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Pauline A. Stipes, Official Federal Reporter

1 THE COURT: Okay, good morning, everyone, you may be  
2 seated. We are still waiting for our jurors.

3 We have special guests here, the students from St.  
4 Aloysius, who are here observing the trial, and I understand  
5 you have been given a little bit of a background about the case  
6 from my law clerks. We hope you will enjoy it.

7 Is Mr. Winkles here? Yes, he is. Good to see you.

8 As all of you may know, the Government table is right  
9 here, so the attorneys and representatives of the United States  
10 Government are there. Mr. Boone and his team, who is the  
11 Defendant, are on that side of the room.

12 I know that we were in the midst of the testimony of  
13 Aisha Eckroth. Is she here?

14 MRS. CHASE: Yes, your Honor, we are getting her right  
15 now.

16 THE COURT: We were still on direct examination, but  
17 you don't have too much more to go, right?

18 MS. DARSCH: Yes, your Honor, that is correct.

19 MR. SCHUMACHER: Your Honor, while we are waiting, I  
20 have what I would construe as a joint request, which would be  
21 if we were able to break today by 4:00. There are certain  
22 people in the courtroom who have young children that would like  
23 to get out by 4:00. We are going to finish by Thursday, Judge.

24 THE COURT: Let's have that as a goal, and I guess it  
25 is up to you all how you try the case. My job is to make sure

1 you get the trial done, and it has to be done by Thursday. I  
2 am one to accommodate birthdays, parties, Halloween, children,  
3 but I want to make sure that your client gets what he needs.  
4 Why don't we check in again maybe at the lunch break and tell  
5 me how you think we are doing, or the mid-afternoon break and  
6 tell me how you think we are doing.

7 And happy birthday.

8 MR. SCHUMACHER: Thank you.

9 THE COURT: We are missing one juror as of a moment  
10 ago, so I asked Melanie to call the juror to see what the  
11 status is. So, let me wait and see what she has to say.

12 So, for the students who are observing, if you have  
13 any questions, hold your questions in your mind and when we  
14 take a break I can answer any questions, or the attorneys can  
15 answer any questions that they think are appropriate to answer  
16 for you. So hold the questions that you have. We are waiting  
17 for one juror to park and then we will be all set to go.

18 I will remind counsel that you should have a packet of  
19 your jury instructions ready because when we have some down  
20 time I would like to go over the instructions with you. You  
21 agreed on most everything. There were some things where the  
22 Government added language to the standard instructions and we  
23 will want to hear about that.

24 I know the Defense has opposed some of those  
25 additions, and importantly, I think there is one major

1 difference with respect to the possession of the firearm, there  
2 is some language that the Government wants that the Defense  
3 opposes, and I think those were the main differences.

4 And the indictment, do you want the indictment to go  
5 back; and if so, are you going to redact the last page, the  
6 foreperson of the Grand Jury? You have done all that?

7 MRS. CHASE: Yes, your Honor. I apologize, I intended  
8 to do that last night, but today at lunch we will redact  
9 the forfeiture allegations. There is already no reference to  
10 any other co-defendant in the indictment, so that should be the  
11 only redaction.

12 THE COURT: The foreperson.

13 MRS. CHASE: That has already been redacted.

14 THE COURT: Okay. Both sides agree that goes back to  
15 the jury?

16 MR. SCHUMACHER: Yes, your Honor.

17 MRS. CHASE: Yes, your Honor.

18 THE COURT: Okay. Confer one last time on the jury  
19 instructions so when we go through them we know everybody's  
20 position and the Court can make its ruling so we can finalize  
21 the jury instructions. It is a long packet, so I want to get  
22 that done early enough.

23 Our jurors are here. If it is all right, we will  
24 bring our jurors in.

25 (Thereupon, the jury returns to the courtroom.)

1 THE COURT: Welcome back, everyone, you may be seated.  
2 Our witness remains under oath. The Government may  
3 proceed to continue with the direct examination.

4 MS. DARSCH: Thank you.

5 DIRECT EXAMINATION (Continued)

6 BY MS. DARSCH:

7 Q. Ms. Eckroth, when we left off the firearms were with you.  
8 I will bring them to you.

9 A. Okay.

10 MS. DARSCH: May I approach the witness, your Honor?

11 THE COURT: You may.

12 BY MS. DARSCH:

13 Q. Where we last left off, we were talking about the DNA swabs  
14 from the Springfield Armory pistol, and I now want to turn your  
15 attention away from the DNA swabs for the Springfield Armory  
16 pistol and turn to whether there were any latent prints on the  
17 Springfield Armory pistol.

18 If you could just remind the jury, what is a latent print?

19 A. A latent print is from the oil secretions from your  
20 fingertips, when you touch something it may leave a trace of  
21 your ridge detail on that item that you touch that is not  
22 visible readily.

23 Q. Previously, you discussed three steps that you follow to  
24 determine whether there is a latent print of value relating to  
25 the Glock pistol. Turning to the Springfield Armory pistol,

1 did you follow those same three steps for the Springfield  
2 Armory pistol?

3 A. I did. I also did an additional step on the magazine with  
4 black powder.

5 Q. Again, were there prints of value on the Springfield Armory  
6 pistol?

7 A. Of value, no.

8 Q. Okay. I want to -- before we turn to the next topic, which  
9 is going to be cell phones, before we turn away from cell  
10 phones, still sticking with the firearms, you mentioned, you  
11 know, how you had entered -- you collected the firearms from  
12 the scene and entered them into evidence.

13 I just want to go back.

14 Prior to entering a firearm into evidence, or even being  
15 accepted into evidence, what are the necessary steps that need  
16 to be taken?

17 A. Specifically like processing wise for the firearm you mean?

18 Q. Yes, reports, trace reports. What has to be done before  
19 you put firearms into evidence?

20 A. Well, so, the first thing would be photographing,  
21 documenting, processing for latent prints, DNA, test firing the  
22 firearm, entering the spent casing into our cross tracks NIBIN  
23 system. We also run the serial number to see if it is stolen,  
24 if it is not, if it is entered as recovered.

25 Q. I want to stop you right there.



1           Were these two firearms stolen?

2       A.   Yes.

3       Q.   Okay.  Now I want to turn you away from the firearms.  Did  
4       you collect cell phones from the scene?

5       A.   I did, I collected two.

6       Q.   Okay.

7                   MS. DARSCH:  May I approach the witness?

8                   THE COURT:  You may.

9       BY MS. DARSCH:

10      Q.   I'm showing you what has been marked as Government Exhibits  
11      19 and 20 for identification purposes.

12           Turning first to Government Exhibit 19, do you recognize  
13      that?

14      A.   I do.

15      Q.   What is it?

16      A.   It is a Samsung phone that I collected from the scene, from  
17      the recliner, that had a cracked screen.

18      Q.   How do you recognize that this is the same phone?

19      A.   Again, I have my evidence label where I notate my name, the  
20      documentation.  You can see there is a clear window here, so I  
21      can see the front screen there and I recognize that it is the  
22      cracked phone, as well as the seal on the top, and I recognize  
23      my initials as well as my identification number.

24                   MS. DARSCH:  Your Honor, at this time the Government  
25      moves in evidence Government Exhibit 19.

1 MR. SCHUMACHER: Without objection, your Honor.

2 THE COURT: 19 is admitted without objection.

3 (Whereupon Government Exhibit 19 was marked for evidence.)

4 MS. DARSCH: The Government also moves at this time  
5 Government Exhibit 20 in evidence without objection.

6 THE COURT: Government Exhibit 20 is admitted without  
7 objection.

8 (Whereupon Government Exhibit 20 was marked for evidence.)

9 BY MS. DARSCH:

10 Q. I am now showing you Government Exhibit 20. What is this?

11 A. So, this is the secondary Samsung phone that I collected  
12 from the scene. This one was originally in a protective case  
13 that I removed for processing purposes.

14 Q. And where did you obtain this second cell phone?

15 A. This was also on the same recliner that was in the living  
16 room area.

17 Q. Do you recall -- when you did the walk-through video on  
18 that recliner, do you recall which one was face up and which  
19 one was face down?

20 A. I do. This one here that is in the protective case, this  
21 one was face up, it was powered on.

22 This one, the secondary one, was face down on the recliner.  
23 It was also noted to be on later.

24 Q. Is that -- the one that was face down, is that the one with  
25 the cracked screen?

1 A. That is correct. The one with the cracked screen was face  
2 down.

3 Q. Just to clarify because you answered my question, which  
4 cell phone was powered on when you collected it?

5 A. Both.

6 Q. Both were powered on?

7 A. Correct.

8 Q. Seeing that they were both powered on, did you place any of  
9 these cell phones in airplane mode?

10 A. Yes, the first, the cracked screen one, I was able to place  
11 it in airplane mode on scene. The Samsung phone that wasn't  
12 cracked that was in that protective case required a pass code,  
13 so I was unable on scene to put it into airplane mode.

14 Q. What is airplane mode?

15 A. It pretty much turns off wifi connections, prohibits the  
16 ability of the phone to get data coming in, text messages,  
17 phone calls, that kind of thing.

18 Q. So, why did you place this device in airplane mode?

19 A. Our protocol when we collect cellular devices is to both  
20 put it into airplane mode, and secondary to that we remove the  
21 SIM card, and that is for our digital forensics unit.

22 Q. Turning to the cell phone that could not be placed in  
23 airplane mode, how did you preserve that?

24 A. Once I returned had to the crime scene unit on that  
25 Thursday, March 3rd, I personally ejected the SIM card. So,

1 once you disengage that SIM card, that is a secondary way of  
2 preventing any information from coming in or being accessed.

3 Q. I am now showing you what has already been admitted into  
4 evidence, Government Exhibit 10.

5 What are we looking at here?

6 A. So, this is going to be that Samsung phone that was face  
7 down on the recliner that has the cracked screen.

8 Q. And what date is here?

9 A. Thursday, March 3rd.

10 Q. And what are we looking at here?

11 A. So, that looks like two new messages, and it says wilbo --  
12 sorry, it is sideways, if it is okay if I turn my head here.

13 Q. Let me clear it. Let me back up now that it is turned.  
14 What are we looking at here?

15 A. That is the date, Thursday, March 3rd.

16 Q. And then I will start in order. What are we looking at  
17 here?

18 A. I believe it says three missed calls.

19 Q. And what are the calls from?

20 A. One looks like a cell phone number, the second one says AJ  
21 brother D, and the third one says KG cuh.

22 Q. And the third line?

23 A. That says two new messages, and it looks like it says  
24 wilbopapa@gmail.com.

25 Q. Thank you. I am now showing you Government Exhibit 10-A,

1 which is already in evidence.

2 Okay. Now, what date are we looking at here?

3 A. It is now Friday, March 4th.

4 Q. Why?

5 A. That first photo would have been when I was on scene. So,  
6 before I collect something, I know I kind of mentioned it  
7 yesterday, but I photograph it prior to collecting it. So,  
8 that would have been that photo from that Thursday, but when I  
9 process the next day, I still take more photographs, so that is  
10 why it is a different date now because I am on a different day,  
11 just going back to the item.

12 Q. I am now showing you Government Exhibit 7-D, which is in  
13 evidence.

14 Could you explain this box that we are looking at right  
15 here?

16 A. So that is a ring camera box. I zoomed in on this photo.

17 Q. And what are we looking at in here?

18 A. That is going to be a ziplock -- not ziplock, like a press  
19 seal baggie, and inside of that were multiple smaller sized,  
20 maybe an inch and a half size press seal baggies.

21 Q. How big -- could you show the jury the press seal baggie?

22 A. Maybe like that. (Indicating.) They were connected. So  
23 there were two of them, probably that large, and they were  
24 still kind of perforated in the center where they were  
25 connected, so it was like two together.

1 Q. So about one x one?

2 A. Maybe one and a half, yes.

3 Q. Was there anything else in this box?

4 A. So, originally there was some Bank of Jamaica currency that  
5 was additionally in this box.

6 Q. Okay. Okay. Now, you mentioned Jamaican currency in  
7 addition. I am now showing you what has been marked as  
8 Government Exhibit 25.

9 MS. DARSCH: May I approach the witness?

10 THE COURT: You may.

11 BY MS. DARSCH:

12 Q. What is this, Government Exhibit 25?

13 A. This is \$995 of United States currency. This is what was  
14 outside, it was kind of on the ground scattered around by the  
15 bicycles.

16 Q. Okay. Did you collect this currency?

17 A. I did.

18 Q. What did you do with it after you collected it?

19 A. Once we collected it and cleared the scene, I came back to  
20 the police department, I photographed it, I counted it,  
21 verified it, and submitted it into evidence.

22 Q. Thank you.

23 MS. DARSCH: May I approach?

24 THE COURT: Yes.

25 MS. DARSCH: Can I approach the jury and pass it

1 around?

2 THE COURT: Any objection?

3 MR. SCHUMACHER: No, your Honor.

4 THE COURT: You may.

5 BY MS. DARSCH:

6 Q. Now I want to back up. You mentioned you have been a crime  
7 scene investigator, what we are calling CSI, since January  
8 2017; is that right?

9 A. Yes.

10 Q. Approximately seven years?

11 A. Approximately, yes.

12 Q. During your seven years as a crime scene investigator, have  
13 you ever made a mistake?

14 A. I have made a mistake, yes.

15 Q. Could you tell me about that?

16 A. Back in September 2017, there was a hurricane that was  
17 approaching. I am not from this area, I have never been  
18 through a hurricane. I was misinformed about our hurricane  
19 policy at the police department. I was under the impression  
20 that we were not an essential personnel and would not be  
21 required to be ordered in to stay during the duration of the  
22 hurricane.

23 Because of that misunderstanding or misinformation on my  
24 part, when my supervisor asked me to stay -- I have three dogs  
25 and I live alone, so I explained to him I would not be able to

1 work a hurricane given it could be days I am not there and I  
2 have three dogs at home. Unfortunately, that was considered  
3 not obeying an order. There was an investigation about it, at  
4 which point I did receive a reprimand.

5 Q. Have you made any other mistakes?

6 A. In December 2018, I was in my crime scene van in the police  
7 department garage, I was pulling out of my parking spot and I  
8 turned a little too soon and I scraped the side of my  
9 co-worker's crime scene van. After that, I received a verbal  
10 reprimand.

11 Q. Those two mistakes in 2017 and 2018, did they have anything  
12 to do with this case?

13 A. No.

14 Q. Since 2018, have there been any other mistakes in the last  
15 five years?

16 A. Not that I can recall.

17 MS. DARSCH: Okay. Nothing further, I tender the  
18 witness for cross-examination, your Honor.

19 THE COURT: Okay. I am sorry, did you seek to move 25  
20 into evidence, the currency? Did you want it into evidence.

21 MS. DARSCH: Yes, I apologize, I move it into evidence  
22 without objection, your Honor.

23 THE COURT: Okay, 25 is admitted without objection.

24 (Whereupon Government Exhibit 25 was marked for evidence.)

25 THE COURT: Any cross-examination?



1 MR. SCHUMACHER: Yes, your Honor.

2 THE COURT: Okay, cross-examination.

3 CROSS-EXAMINATION

4 BY MR. SCHUMACHER:

5 Q. Ms. Eckroth, I would like to start with the firearms. Do  
6 you still have the firearms?

7 A. I do. Yes.

8 Q. So, it is my understanding that you have -- based on your  
9 testimony, you have examined 300 or so firearms in your six  
10 years?

11 A. At the time that would have been six years. Yes, I have  
12 handled over 300 firearms.

13 Q. And you said about 20 percent of those were Glocks?

14 A. That is correct.

15 Q. So roughly 60 of those?

16 A. Around 60 or 70, that's correct. Yes.

17 Q. Do you have the Glock in front of you?

18 A. I do. Yes.

19 Q. You were responsible for picking this up at the scene,  
20 correct?

21 A. That is correct.

22 Q. Taking it into evidence?

23 A. That is correct.

24 Q. Then you took it back to the station and processed it the  
25 next day?

1 A. That is correct.

2 Q. In the manner that you described to this jury?

3 A. That is correct.

4 Q. Could you hold the Glock for a moment? I realize that the  
5 slide is locked back?

6 A. Yes.

7 Q. It didn't look like that when you first saw it, correct?

8 A. That is correct.

9 Q. In other words, the slide was locked forward because there  
10 was a round in the chamber; is that right?

11 A. Just because it is forward doesn't mean there was a live  
12 round in the chamber. That is why you check it by pulling the  
13 slide back, but the slide was forward and the magazine was in  
14 the firearm.

15 Q. Okay.

16 MR. SCHUMACHER: Judge, could I have Ms. Eckroth step  
17 in front of the jury with the firearm for a moment?

18 THE COURT: Yes.

19 BY MR. SCHUMACHER:

20 Q. Go ahead, if you would, please.

21 I realize that you mentioned you had never actually test  
22 fired an automatic pistol, correct?

23 A. That is correct.

24 Q. Or an automatic weapon, would that be fair to say?

25 A. That's correct.

1 Q. Nevertheless, when you first picked up this weapon and took  
2 it into evidence, you noticed something on the very back of the  
3 slide, correct?

4 A. That is correct.

5 Q. Does that look like anything that you had ever seen before?

6 A. No. I have never seen that before.

7 Q. You, having seen 300 guns, a trained eye, didn't know what  
8 that was?

9 A. I had never come across a modification before on a firearm.

10 Q. Did anyone tell you that day --

11 A. No.

12 Q. Hold on a second. No, no, I was actually trying to frame a  
13 question.

14 Did anybody say, wait a minute, be careful with that,  
15 because that is an automatic weapon?

16 A. No.

17 Q. As far as you knew, nobody could identify this as an  
18 automatic weapon?

19 A. No one told me. I am in the sure if they were aware of  
20 what it was, but that information was not given to me at that  
21 time.

22 Q. Okay, thank you. If you would resume your seat.

23 You mentioned, Ms. Eckroth -- I am assuming that you have  
24 had training in the processing of DNA, correct?

25 A. Yes.

1 Q. And you mentioned that you would continually change gloves  
2 because you wanted to make sure there was nothing -- I think  
3 you referred to it as cross contamination, correct?

4 A. Correct.

5 Q. Can you tell us a little bit about what you mean by that?

6 A. So, when I am wearing gloves, I always put on a fresh new  
7 pair of gloves, one, if I am not wearing gloves, I could be  
8 contaminating that firearm with my DNA potentially, with my  
9 fingerprints potentially. That is the main reason I am putting  
10 gloves on, is to, one, protect what I am to the item that I am  
11 touching, as well as I don't want to touch one item with my  
12 glove and not change them, and then touch another item that  
13 could potentially introduce contamination.

14 Q. Okay. So, when we are talking about DNA, it is a very  
15 exact science, correct? The way it is sampled and later on  
16 being tested, correct?

17 A. Yes, I would say there is a very standard way of collecting  
18 DNA.

19 Q. Are you familiar with something called secondary transfer?

20 A. Can you explain what you mean by that?

21 Q. No, I will move on.

22 MR. SCHUMACHER: May I approach the witness, your  
23 Honor?

24 THE COURT: You may.

25

1 BY MR. SCHUMACHER:

2 Q. So, you've already seen these before, this is Government  
3 Exhibits 15 and 16?

4 A. Correct.

5 Q. May I hand those up to you for a moment?

6 A. Sure.

7 Q. If you recognize them, can you identify them again? That  
8 is something we covered yesterday.

9 A. Yes. The first one will be the swabs that I obtained from  
10 the Glock, and the second one is the swabs from the  
11 Springfield.

12 Q. Okay. I notice on there there is a -- when you process the  
13 Glock -- when you processed the Glock and the Springfield,  
14 those are the swabs that are on the side there; is that right?

15 A. Yes, the swabs are in here.

16 Q. Then there is a label on the front; is that correct?

17 A. That's correct.

18 Q. And that label there is a date of what?

19 A. 3/4/2022.

20 Q. Okay. Is that a label that you actually create?

21 A. Yes, I create this label.

22 Q. Is there a time on there?

23 A. Yes, it's the zero, zero, zero, zero, zero.

24 Q. Does that mean it was done at midnight?

25 A. No. It was not done at midnight.

1 Q. What time did you do the examination on the swabs?

2 A. I did check the metadata on my photos. So, for these swabs  
3 for the Glock I started at approximately 9:45 a.m. The swabs  
4 for the Springfield would have been at approximately 10:20 a.m.  
5 on the 4th.

6 Q. Is there a reason why -- if we are dealing with something  
7 that has been to an exact science, is there a reason why you  
8 are taking a shortcut to not put in the actual time that it was  
9 sampled?

10 A. So, the label, when I am making the label, isn't  
11 necessarily to show the time that it is collected. I am trying  
12 to show what the description of the item is. I do put the date  
13 because I do things on different dates. I leave the timing  
14 available through the metadata, through my photographs if you  
15 needed that.

16 Typically, the timing for -- it is still in my custody, I  
17 collect these items, I swab these items, here is the date.  
18 That is where I go when it comes to documenting the dates, is  
19 really what I am focused on.

20 Q. Okay. Nevertheless, your software has a provision to put  
21 in a time, correct?

22 A. It does, yes.

23 Q. You just choose not to; is that right?

24 A. Yes, we do not typically put the date in the crime scene --  
25 sorry, the time, not the date.

1 Q. Is there any protocol about that?

2 A. No.

3 Q. Were you ever asked to do anything further with respect to  
4 the -- I am sorry, change gears here for a second.

5 Regarding the phones, okay, the cell phones that you talked  
6 about.

7 A. Sure.

8 Q. Were you asked to do anything in terms of latent  
9 fingerprints on the cell phones?

10 A. Yes, I did process the phones.

11 Q. If you did talk about that, I don't recall. Did you find  
12 any useful latents to be able to process?

13 A. On the Samsung phone that had the protective case there was  
14 a print that I did submit from the front screen. That was not  
15 of value. I did -- from the protective case itself, on the  
16 inside, there was a print that I also submitted.

17 MR. SCHUMACHER: Judge, I am going to ask if the  
18 witness can open the back pouch of the swabs. There is a  
19 property receipt in there I would like to question her on.

20 THE COURT: Any objection?

21 MS. DARSCH: Your Honor, I don't believe this witness  
22 has personal knowledge of it. It goes to what another witness  
23 did in the chain.

24 THE COURT: Do you want to see if the witness has  
25 knowledge before you have her do that?

1 MR. SCHUMACHER: Yes.

2 THE COURT: Okay.

3 BY MR. SCHUMACHER:

4 Q. Did you ever author anything on that particular property  
5 receipt?

6 A. Can I look at it?

7 Q. Yes, absolutely.

8 A. Okay. It is taped closed.

9 Q. I understand.

10 A. No, this was a different CSI.

11 Q. This is attached to the actual swabs, correct?

12 A. This was in a pouch that was here, yes.

13 Q. Normally a property receipt is going to reflect each and  
14 every person that has handled that particular item; isn't that  
15 true?

16 A. No. This is isn't like a West Palm property receipt, this  
17 is for when we transfer items to the PBSO lab or the Palm Beach  
18 County Sheriff's Office laboratory, this is what their property  
19 receipt is. This isn't a West Palm one.

20 Q. Okay.

21 MR. SCHUMACHER: May I have a moment, your Honor?

22 THE COURT: Yes.

23 MR. SCHUMACHER: I tender the witness, thank you.

24 THE COURT: Anything on redirect?

25 MS. DARSCH: No, your Honor.



1 THE COURT: Thank you so much, you may step down.  
2 Government may call your next witness.

3 MRS. CHASE: Thank you, your Honor. The United States  
4 calls Agent Marcus Beesley.

5 While the witness is taking the stand, we would move  
6 to admit a stipulation which was previously marked Government  
7 Exhibit 32.

8 THE COURT: Okay. Any objection?

9 MR. SCHUMACHER: No, your Honor.

10 THE COURT: Ladies and gentlemen, you'll remember that  
11 sometimes the parties have agreed that certain facts are true.  
12 This agreement is called a stipulation. You must treat these  
13 facts as proved for this case.

14 Counsel for the Government will read Exhibit 32, which  
15 is admitted without objection, to the jury.

16 (Whereupon Government Exhibit 32 was marked for evidence.)

17 MRS. CHASE: Thank you, your Honor. This stipulation  
18 reads as follows:

19 The United States of America and the Defendant, Willie  
20 Boone, jointly agree and stipulate that the following facts are  
21 true and undisputed:

22 At all times material to the third superseding  
23 indictment the Defendant, Willie Boone, had been convicted and  
24 knew that he had been convicted on or about May 5, 2021, in the  
25 Circuit Court 15th Judicial Circuit in and for Palm Beach

1 County, Florida, case number 2020-CF-003901-AXXMB of a felony  
2 crime punishable by a term of imprisonment exceeding one year.

3 At all times material to the third superseding  
4 indictment, the Defendant, Willie Boone, had been convicted,  
5 and knew that he had been convicted, on or about May 5, 2021,  
6 in the Circuit Court 15th Judicial Circuit in and for Palm  
7 Beach County, Florida, case number 2020-CF-004001-AXXMB of a  
8 felony crime punishable by a term of imprisonment exceeding one  
9 year.

10 At all times material to the third superseding  
11 indictment, the Defendant, Willie Boone, had been convicted,  
12 and knew that he had been convicted, on May 5, 2021, in the  
13 Circuit Court 15th Judicial Circuit in and for Palm Beach  
14 County, Florida, case number 2020-CF-004003-AXXMB of a felony  
15 crime punishable by a term of imprisonment exceeding one year.

16 The aforementioned convictions were for offenses  
17 committed on occasions different from one another. Defendant  
18 Willie Boone's right to possess a firearm had not been restored  
19 by the State of Florida or the United States, and this  
20 stipulation is signed by all the parties.

21 Thank you, your Honor.

22 THE COURT: Okay, thank you.

23 We can swear our next witness in.

24 MARCUS BEESLEY, GOVERNMENT'S WITNESS, SWORN

25 THE COURTROOM DEPUTY: You may have a seat, you can

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1 adjust the mike so you can speak right into it. If you will  
2 state your full name and spell your last name for the court  
3 reporter.

4 THE WITNESS: Marcus Beesley, B-E-E-S-L-E-Y.

5 DIRECT EXAMINATION

6 BY MRS. CHASE:

7 Q. Good morning. Where are you employed?

8 A. West Palm Beach Police Department.

9 Q. What is your title?

10 A. I'm a field training officer in the road patrol division.

11 Q. As a field training officer in the road patrol unit, are  
12 you a police officer?

13 A. Yes, ma'am.

14 Q. How long have you been a police officer?

15 A. Approximately eight years in January.

16 Q. And could you give the jury a brief description of your  
17 job?

18 A. Sure. My responsibilities are to respond to emergency and  
19 non-emergency calls for service, conduct traffic calling  
20 initiatives through traffic stops. I also am responsible for  
21 detailing and writing reports and conducting criminal  
22 investigations and effecting arrests if need be.

23 Q. And so you said effecting arrests if need be. Is one of  
24 your duties to help other officers if they are on an active  
25 scene?

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1 A. Yes, ma'am.

2 Q. So, you could be called to be respond to an active scene to  
3 assist with any given number of things?

4 A. Yes, ma'am.

5 Q. What types of training did you receive?

6 A. I did the Police Academy, which was approximately six to  
7 seven months, and advanced training, which includes speed  
8 measurement, crisis intervention. I have done a number of  
9 different narcotics classes, including introduction undercover  
10 surveillance, I've taken serious bodily injury and death  
11 investigations, and I have also, obviously, taken the field  
12 training officer class.

13 Q. Now, in part of your training, were you trained on how to  
14 take an oral swab of an individual?

15 A. Yes, ma'am.

16 Q. What is an oral swab?

17 A. An oral swab is just a DNA sample, and we call it the  
18 buccal swab, you swab the inner lining cheeks area of the  
19 mouth.

20 Q. Now, before we get back to that, during your time as a  
21 police officer, have you been with the West Palm Beach Police  
22 Department the entire time?

23 A. No, ma'am.

24 Q. Where were you prior to joining the West Palm Beach Police  
25 Department?

1 A. I was with the Lantana Police Department.

2 Q. Let's talk about your involvement in this case. On March  
3 3, 2022, were you on duty that day?

4 A. Yes, ma'am.

5 Q. And on that date, was there an execution of a search  
6 warrant at 621 52nd Street, Building 2, here in West Palm  
7 Beach, Florida?

8 A. Yes, ma'am.

9 Q. Can you explain to the jury your involvement on that date  
10 at that location?

11 A. So, I was tasked with being in a marked police vehicle and  
12 blocking the road so that no pedestrian foot traffic or vehicle  
13 traffic was to come or go, and once I -- once that was secured  
14 and the residence was secured, an individual was walked out to  
15 me and I secured him in the back of my police vehicle.

16 Q. So you were in a marked vehicle. Were your lights on?

17 A. Yes, ma'am.

18 Q. Why?

19 A. It is a high visibility situation and to let people know  
20 the we, being the police, are in the area conducting official  
21 business.

22 Q. And before that individual was walked out to you, were you  
23 just on standby while other officers, including the SWAT team,  
24 were conducting their work inside?

25 A. Yes, ma'am. I was essentially just a perimeter unit.

1 Q. All right. You said an individual was walked out to your  
2 marked cruiser?

3 A. Yes, ma'am.

4 Q. Who was that individual?

5 A. I later found out it was Mr. Willie Boone.

6 Q. And while Mr. Willie Boone was with you in your marked  
7 cruiser, or at least in your care, did he sign a consent to  
8 search form?

9 A. Yes, ma'am.

10 Q. What was that consent to search regarding?

11 A. It was to obtain his DNA.

12 Q. That is the same DNA swab standard that you discussed with  
13 the jury previously?

14 A. Yes, ma'am, that is correct.

15 MRS. CHASE: May I approach the witness, your Honor?

16 THE COURT: You may.

17 BY MRS. CHASE:

18 Q. Officer Beesley, I just handed you what I have previously  
19 marked for identification as Government Exhibit 17.

20 Do you recognize that?

21 A. Yes, ma'am.

22 Q. What is it?

23 A. This is our West Palm Beach Police Department consent to  
24 search.

25 Q. How do you recognize this as pertaining to this case?

1 A. This is my signature and my ID number.

2 MRS. CHASE: Your Honor, at this time I move to admit  
3 Government Exhibit 17 into evidence.

4 MR. SCHUMACHER: Without objection, your Honor.

5 THE COURT: Admitted without objection.

6 (Whereupon Government Exhibit 17 was marked for evidence.)

7 MRS. CHASE: Permission to publish it to the jury.

8 THE COURT: You may.

9 BY MRS. CHASE:

10 Q. Officer Beesley, now the jury can see Government Exhibit  
11 17. You said this is a West Palm Beach Police Department form?

12 A. Yes, ma'am.

13 Q. On what date was this entered?

14 A. March 3, 2022.

15 Q. Can you read this paragraph I have marked to the jury,  
16 please.

17 A. Yes. "I, Willie Boone, having been informed of my  
18 constitutional right not to have search made of the premises,  
19 automobile, or DNA hereinafter mentioned without a search  
20 warrant and of my right to refuse to consent to such a search,  
21 hereby authorize Detective Tapcar (phon) and law enforcement  
22 officers of the West Palm Beach Police Department to conduct a  
23 complete search of my premises, automobile, DNA, which is  
24 described as DNA, which is located at Mr. Willie Boone."

25 Q. And here we see reference to a Detective Tapcar. That is

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1 not you, is it?

2 A. No, ma'am.

3 Q. Was he also on the scene with you?

4 A. He was there, but not directly with me.

5 Q. Moving down, can you read this next paragraph, please?

6 A. "Law enforcement officers are authorized by me to take from  
7 my premises, automobile, DNA and furnish me with a receipt for  
8 any letters, papers, materials, or other property taken into  
9 custody by them which they believe is criminal evidence or  
10 evidence associated with the commission of a criminal offense.

11 "This written permission is being given by me to the  
12 above-named law enforcement officers voluntarily and without  
13 threats or promises of any kind. I understand that I can  
14 refuse them permission to search unless they have a proper  
15 search warrant."

16 Q. Now, you said earlier that you recognize this by your  
17 signature. Is this your signature on the bottom right-hand  
18 corner of Government Exhibit 17?

19 A. That is not my signature.

20 Q. Where is your signature?

21 A. Under witnesses.

22 Q. So your signature is here in the bottom left-hand corner?

23 A. That is correct.

24 Q. And over here, is this the signature of Willie Boone?

25 A. Yes, ma'am.

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1 Q. Did he sign that in your presence?

2 A. He did.

3 Q. Did he date it on March 3, 2022?

4 A. No, ma'am, I dated that.

5 Q. All right. After Mr. Boone consented to the search using  
6 this form, what did you do next?

7 A. I then did the buccal swabs which I explained earlier,  
8 which is swabbing with a wooden stick with a cotton swab at the  
9 end, looks like a really long Q-tip, and I swabbed the inner  
10 linings of his mouth along his checks.

11 Q. Let's break that down. When you receive a swab to use on  
12 an individual, is it packaged in a sealed packaging?

13 A. Yes, ma'am, it is.

14 Q. Is that sterile packaging?

15 A. It is, yes.

16 Q. What protocols do you follow when you are going to obtain a  
17 swab from their cheek?

18 A. I put on a fresh pair of latex gloves. It is double  
19 packaged, so it is in a manila envelope, and inside the manila  
20 envelope is a long white packaging that is sealed. I pull out  
21 the swabs and then swab the inner linings of each side of the  
22 cheek. Once that is complete, that goes directly --  
23 immediately into the white package that it came from. That  
24 goes back inside the manila envelope, and then it's all sealed  
25 from there with evidence tape.

1 Q. Did you follow all those procedures when you were taking  
2 the DNA from the inside of Willie Boone's cheek?

3 A. Yes, I did.

4 Q. After you secured it back in the various envelopes from  
5 which they came, what did you do with the entirety of those  
6 packages?

7 A. That was secured in my marked police vehicle.

8 Q. Got it. And then what happened to Mr. Boone afterwards?

9 A. He was released.

10 Q. After having secured the package in your vehicle, what did  
11 you do?

12 A. Once I was -- my tasks were completed on 52nd Street, I  
13 immediately went back to the police department and completed  
14 the paperwork to secure that and submit it to our evidence at  
15 the West Palm Beach Police Department.

16 Q. Was that submitted to the evidence department?

17 A. Yes, ma'am.

18 Q. Did you have anything to do with the swabs thereafter?

19 A. No.

20 MRS. CHASE: Permission to approach, your Honor.

21 THE COURT: Yes.

22 BY MRS. CHASE:

23 Q. Officer Beesley, I have handed you what I previously marked  
24 for identification as Government Exhibit 18.

25 Do you recognize that?

1 A. Yes.

2 Q. What is it?

3 A. This is the manila envelope that contained the swabs.

4 Q. How do you recognize that?

5 A. At the top, the evidence tape, those are my initials and my  
6 ID number.

7 MRS. CHASE: Your Honor, I move to admit Government  
8 Exhibit 18.

9 MR. SCHUMACHER: Judge, may I approach to take a look  
10 at that?

11 THE COURT: You may.

12 MR. SCHUMACHER: No objection, your Honor.

13 THE COURT: 18 is admitted without objection.

14 (Whereupon Government Exhibit 18 was marked for evidence.)

15 MRS. CHASE: Permission to approach the witness.

16 THE COURT: You may.

17 MRS. CHASE: I will just publish to the jury using the  
18 ELMO here.

19 BY MRS. CHASE:

20 Q. Officer Beesley, the jury can now see the package that was  
21 just admitted as Government Exhibit 18.

22 You said you recognize this by your name here?

23 A. That is my name, but the initials at the top that were  
24 originally sealed on the evidence tape are my initials and my  
25 ID number.

1 Q. So, is that -- sorry. You are talking about at the very  
2 top?

3 A. Yes. Yes, ma'am.

4 Q. Okay. Here we see at the top of Government Exhibit 18  
5 across the red evidence tape the initials MB?

6 A. Yes.

7 Q. And 2220?

8 A. Correct.

9 Q. What is that?

10 A. Which one?

11 Q. 2220.

12 A. That is my ID number through the West Palm Beach Police  
13 Department.

14 Q. And referring back to Government Exhibit 17, you also wrote  
15 your badge number on your signature, correct?

16 A. Yes, ma'am.

17 Q. And this indicates that it was entered on March 3rd, at  
18 approximately 7:24 in the evening?

19 A. Correct.

20 Q. After which time it went into evidence and you had nothing  
21 further, correct?

22 A. Yes, ma'am.

23 Q. Officer Beesley, as part of your role as a police officer,  
24 are you aware that there are Internal Affairs files on your  
25 employment?

1 A. Yes, ma'am.

2 Q. Can you explain what that is to the jury?

3 A. It is an investigation within the department of any  
4 policies or procedures that were violated by the subject of the  
5 investigation. Again, that is handled within the department.

6 Q. The department takes any complaints, investigates them, and  
7 then determines whether there is anything of substance to that  
8 complaint; is that right?

9 A. Yes, ma'am.

10 Q. You only have one such behavior file at the West Palm Beach  
11 Police Department; is that right?

12 A. That is correct.

13 Q. I believe that is in August 2021, there was a violation of  
14 department rules for department's property loss or damage?

15 A. Yes, ma'am.

16 Q. Could you explain that to the jury, please?

17 A. Yes. What essentially happened was, I backed into a  
18 different marked police vehicle and was subsequently written up  
19 and sent to Internal Affairs.

20 Q. Did that have anything to do with this matter?

21 A. No, ma'am.

22 MRS. CHASE: May I have a moment, your Honor?

23 THE COURT: Yes.

24 MRS. CHASE: I pass the witness, your Honor.

25 THE COURT: Any cross-examination?

1 MR. SCHUMACHER: Briefly, Judge.

2 CROSS-EXAMINATION

3 BY MR. SCHUMACHER:

4 Q. Officer Beesley, looking at Government Exhibit 18, still up  
5 on the ELMO, are you responsible for inputting that  
6 information?

7 A. Which part, sir?

8 Q. Right here, your name, your badge number, and date and  
9 time?

10 A. Yes, sir.

11 Q. So there is actually a place for you to put in the date and  
12 the time?

13 A. Yes, sir.

14 Q. That is when you actually processed it back at the station  
15 and delivered it to evidence; is that right/

16 A. That is when this specific -- it's called a label, was  
17 printed out.

18 Q. Going back to Government Exhibit 17, that is Mr. Boone's  
19 waiver, or consent to search, right?

20 A. Yes, sir.

21 Q. Did you read that to him before he signed it?

22 A. Yes, sir.

23 Q. So he understood that he had -- let me rephrase that.

24 Based on everything you observed, did he understand what  
25 you were saying to him?

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1 A. It appeared so, sir.

2 Q. Did he give you an affirmative that he understood?

3 A. Yes, sir.

4 Q. Then he agreed to sign?

5 A. Yes, sir.

6 Q. He cooperated with you during the collection of DNA?

7 A. He did, yes.

8 MR. SCHUMACHER: Nothing further, Judge.

9 THE COURT: Any redirect?

10 MRS. CHASE: No, your Honor, thank you.

11 THE COURT: All right. Officer, you may step down.

12 And the Government may call your next witness.

13 MS. DARSCH: The Government calls Detective Dusten  
14 Campbell.

15 THE COURT: Okay, he may come forward.

16 DUSTEN CAMPBELL, GOVERNMENT'S WITNESS, SWORN

17 THE COURTROOM DEPUTY: State your full name for the  
18 record and spell your last name for the Court reporter, please.

19 THE WITNESS: Dusten Campbell, C-A-M-P-B-E-L-L.

20 THE COURTROOM DEPUTY: Make sure you speak right into  
21 the microphone.

22 DIRECT EXAMINATION

23 BY MS. DARSCH:

24 Q. Good morning.

25 A. Good morning. How are you?

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1 Q. I'm well. How are you?

2 A. Good.

3 Q. Where are you currently employed?

4 A. City of West Palm Beach Police Department.

5 Q. And what is your title?

6 A. I am a detective in the realm of digital forensics.

7 Q. How long have you been a digital forensic examiner?

8 A. Pretty close to seven years now.

9 Q. What is the field of digital forensics?

10 A. It is the ability to find evidence through anything that  
11 contains some kind of computer chip, memory, connects to the  
12 internet. We go through cell phones, cars, internet cameras,  
13 computers, everything, and then we extract the best forensic  
14 copy of the evidence that we can find and provide that to the  
15 case agent.

16 We aren't case workers in the sense of we don't work the  
17 case from start to finish. We are a support personnel for the  
18 person that is going to be writing the search warrants and all  
19 that kind of stuff.

20 Q. Okay. Could you please explain your educational  
21 background?

22 A. I have a Bachelor of Science in digital forensics from  
23 Champlain College.

24 Q. What training certifications do you have in the area of  
25 digital forensics?

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1 A. I have my CFCE, which is my certified forensic computer  
2 examiner, through the International Association of Computer  
3 Investigative Specialists. That is a two-week course in  
4 Orlando, and afterwards a six-month testing process where you  
5 are set up with a mentor group, the mentor walks you through  
6 their various file systems through that six months. That is  
7 culminated with two tests at the end of it. Each of the  
8 processes also has a test, so it ends with the sixth test over  
9 those six months.

10 I am a Cellebrite certified mobile examiner, I have my  
11 Cellebrite certified physical operator, my logical operator. I  
12 am certified through Berla for vehicle forensics. I am  
13 certified with Magnet to use their tool. I have my 3CE, which  
14 is my cyber certified computer investigator, which is through  
15 the National Center for White Collar Crime.

16 My training, I have various classes through the National  
17 Computer Forensic Institute which is run by the Secret Service  
18 for 240 hours on computers, 200 hours on cell phones, advanced  
19 cell phones, sequel databases, advanced computer forensics,  
20 drone forensics. I probably have close to a thousand hours  
21 through the National Computer Forensic Institute.

22 Then I have various vendor trainings, and I have taken a  
23 mobile forensics class, which is a one-week course. All in  
24 all, I've got a thousand -- a few thousand hours plus webinars,  
25 you know, various on-the-job training, You Tube, all that

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1 stuff.

2 Q. Have you taught or given presentations in the area of  
3 digital forensics?

4 A. I have taught, I taught all of our detectives on  
5 collection, our crime scene on collection. Me and my  
6 counterpart, we also teach how to make the evidence manageable  
7 for the end user, what is a good thing to look for, stuff like  
8 that. And I have also taught a little bit for the National  
9 Center for White Collar Crime.

10 Q. And you mentioned in your certification some things like  
11 Cellebrite. Could you explain to the jury what sort of tools  
12 you use to examine computers and cell phones and other digital  
13 media?

14 A. We use a combination of hardware and software. Cellebrite  
15 is one of those solutions, they have both a hardware  
16 application and a software. The department essentially pays  
17 for a license, like \$5,000 a year, the initial startup is like  
18 \$20,000 a year, and our department pays for this and, you know,  
19 it -- Cellebrite's bread and butter is dealing with cell  
20 phones. They are the thousand pound gorilla in the law  
21 enforcement world in how to deal with cell phones and how to  
22 get data out of cell phones.

23 Q. Approximately how many cell phones have you examined in the  
24 course of your career?

25 A. Each one of us, me and my counterpart, we each do at least

1 200, so, you know, over my career I have got to have over a  
2 thousand, probably approaching 2,000.

3 Q. Over your career, have you ever received any awards?

4 A. So, I got the '19, '21, and '22 top forensic examiner  
5 through the National Computer Forensic Institute through the  
6 Secret Service, which means that through those years I was  
7 either the top 25 examiner in the country or top 50 examiner in  
8 the country. That is done off case load and total data done  
9 and essentially work product.

10 MS. DARSCH: At this time, your Honor, the Government  
11 tenders Detective Campbell as an expert in the field of digital  
12 forensic investigative analysis.

13 MR. SCHUMACHER: Without objection, your Honor.

14 THE COURT: He is deemed an expert in digital  
15 forensics. What did you say?

16 MS. DARSCH: Digital forensic investigative analysis.

17 BY MS. DARSCH:

18 Q. Now let's turn away from your background. I want to talk  
19 about your involvement in this case. On November 1, 2022, did  
20 you collect two cell phones in this matter?

21 A. I did.

22 Q. From where did you receive those cell phones?

23 A. I collected the cell phones from evidence.

24 MS. DARSCH: Permission to approach.

25 THE COURT: You may.

1 BY MS. DARSCH:

2 Q. I am showing you what has already been admitted into  
3 evidence as Government Exhibit 19 and Government Exhibit 20.

4 What is Government Exhibit 19 and 20?

5 A. It is two cell phones one is a dark gray Samsung with an  
6 IMEI that ends in 6254, and the other is a dark colored Samsung  
7 with a cracked screen on it.

8 Q. Are these the two cell phones we discussed previously that  
9 you collected?

10 A. They are.

11 Q. Was their submission made for you to extract data from  
12 these cell phones I'm showing you?

13 A. There was.

14 Q. With the submission was there any accompanying legal  
15 paperwork?

16 A. Yes. Every time that a submission is made to our lab we  
17 require that it either be consent or through a search warrant.  
18 So, the case agent in these cases have to provide us with  
19 either the search warrant or the consent, or if it is implied  
20 consent because the person is already dead, but they don't --  
21 there is no paperwork that accompanies that.

22 Q. Here, what was the legal paperwork you were provided with?

23 A. I was provided with a search warrant.

24 Q. Search warrant. Who made this submission?

25 A. Detective Ward.

1 Q. Let's go back. What does a submission entail?

2 A. At the time we had an in-house form that was completed by  
3 the detective. It essentially tells us what the minor case  
4 facts are, who is doing the submission, what date they  
5 collected the phones, a general description of the phones,  
6 whether they have legal authority to go into the phones, if  
7 there is a defendant or a suspect that they are looking at, and  
8 then how many items they want us to examine at that time, and  
9 there is a search warrant attached to that form.

10 Q. What did you do after receiving the two cell phones?

11 A. The standard practice for us is that we go down to  
12 evidence, or we get with the case agent to collect the phones.

13 In this case, they were down in evidence. We go and sign  
14 them out, we take the phones up to our lab, which is in our  
15 department. We unseal them, each one individually, I  
16 photograph them, I upload those photographs to our server, I  
17 document the important information on it, like make, model, the  
18 IMEI, any characteristics that it has, like a broken screen or  
19 a weird case.

20 After that is done, we look through our two tools that deal  
21 with cell phones, which is going to be GrayKey or Cellebrite,  
22 and we see which one will give us the most robust and almost  
23 bit-to-bit copy of the data on that phone. Once we know which  
24 tool we are going to use, we hook it up to the tool, we start  
25 the process that it needs to start so we can track the

1 information from it. It makes a copy of the data and then we  
2 load that into another program that takes those ones and zeros  
3 and makes it human readable, and that is called Cellebrite  
4 physical analyzer, and that makes nice little, you know, tabs  
5 that tell you like, hey, here is emails, here's text messages,  
6 here's photographs, here's the wifi it is connected to.

7 We take that program and we can create a portable version  
8 of that that we give to the case agent. We provide that to the  
9 case agent so they can look through all of their data unless  
10 they tell us that they want something specific pulled out for  
11 them.

12 Q. I want to back up some. I am going to go back to some of  
13 the steps that you described. You indicated that you are in a  
14 lab when you do your extraction. Could you please describe  
15 that area?

16 A. So, we have a lab in the station, there is only three keys  
17 for it, one is held by me, one is held by my counterpart, and  
18 one by our direct supervisor. There are additional keys that  
19 are in the quartermaster's office that have to be checked out.  
20 The cleaning people can't even get into our office, we have to  
21 put our trash outside because we store evidence, and like I  
22 said, all those expensive tools that the department pays for  
23 every year are in that room. So, we don't let anybody else  
24 have access to it unless they are accompanied by one of us.

25 Q. Okay. Now, I want to go back to, you had mentioned earlier

1 in the steps what you do after receiving the cell phones, and  
2 you mentioned Cellebrite and GrayKey.

3 Starting with Government Exhibit 19, which is the one  
4 labeled cracked screen, can we refer to that as item 2?

5 A. That's fine.

6 Q. What manufacturer is that phone?

7 A. That's a Samsung.

8 Q. When you received this cell phone was it in a powered off  
9 state?

10 A. It was.

11 Q. Can you describe to the jury the steps you took to process  
12 this phone in particular?

13 A. So, once again, I open it, I look at the cell phone. This  
14 one had a removable back and a removable battery, so I removed  
15 the back, removed the battery, make sure the SIM card is out,  
16 and then I photograph -- there will be a label underneath the  
17 battery that has all of the pertinent information, make, model,  
18 IMEI. I put it all back together, I charge it up and look  
19 through my two programs. The best program for this phone was  
20 to use Cellebrite.

21 I hooked it up to Cellebrite. Cellebrite was able to give  
22 me a physical extraction, and then I moved that extraction into  
23 Cellebrite physical analyzer, made it human readable. Then I  
24 made a portable case for Detective Ward.

25 Q. You did extract data from this phone?

1 A. I did.

2 Q. You mentioned you used Cellebrite. Why did you use  
3 Cellebrite for this phone?

4 A. Because Cellebrite supported it for a physical extraction.

5 Q. Are there different types of extractions that Cellebrite  
6 allows for?

7 A. Yes, there are three different kinds of extractions.

8 There's a logical extraction, a file system extraction, and a  
9 physical. The best way to think of this is if your cell phone  
10 was the library, if you were going to the library. The logical  
11 is going to be the New York best time sellers, it will only  
12 show you those because that is what most people are interested  
13 in when they go to the library. It's the hot button ones that  
14 everybody wants to read.

15 The file system will show you almost every book that is in  
16 that library, and it will show you we have all the ones that  
17 are in the back that a lot of people probably don't check out.

18 The physical will be everything that has ever happened in  
19 that library, when that book was there, not there, checked out,  
20 who it was checked out by. It will give you almost everything  
21 that has ever happened on that cell phone.

22 So, in the same -- following the same logic, a logical will  
23 be like text messages, your pictures. It will be some good  
24 data, but it is not the most robust data. A file system will  
25 give you all that data plus a couple, maybe like your health



1 data, stuff like that, that may not be really important to the  
2 user of the phone, but might be important to the investigation.

3 A physical is as close as we can get to an exact copy to  
4 every bit and byte that was on the phone, and it gives us the  
5 deleted data in most cases, and it's the best kind of  
6 extraction you can get for a cell phone.

7 Q. You mentioned physical extraction for this cell phone. Is  
8 that why you did the physical extraction on this phone?

9 A. I did.

10 Q. Okay. What happens when an extraction is completed? You  
11 have the physical extraction and then would you bring forward  
12 the steps for this specific cell phone?

13 A. When Cellebrite completes a physical extraction, it makes a  
14 zip file of that phone, and that is not really human readable,  
15 it is a bunch of zeros and ones. It is a locked container that  
16 we can't edit, we can't change. It is now a stable copy of  
17 that phone.

18 Then we take that and we load it into the Cellebrite  
19 physical analyzer. That goes through and looks through all the  
20 data and says, hey, this is a text message, this is a picture,  
21 this is a video, this is the wifis, these are the location  
22 data, all this stuff, and it puts it in the categories so that  
23 the investigator can look at those categories for whatever is  
24 important for their particular case.

25 Q. And here, did you upload the physical extraction to the

1 Cellebrite physical analyzer?

2 A. I did.

3 Q. What happened after that?

4 A. Then I create a portable report, give it to the case agent.  
5 I then seal the evidence back up and drop the evidence back  
6 into evidence.

7 I take that locked zip file, I upload that to our server  
8 that is backed up that, once again, only me and the other  
9 detective have access to, and it resides, and then I put all of  
10 my documentation into a report system called we call Monolith,  
11 and I document everything that happened during the examination.

12 Q. You mentioned portable report again as the last step. What  
13 is portable report again?

14 A. A portable report is just like what I would see on my side,  
15 but I have to have that really expensive dongle plugged in.  
16 What the program allows us to do is to make a one-off copy that  
17 we can give to the detective so they can go through the phone  
18 without having that super expensive dongle plugged in.

19 Essentially, we have more abilities on our end to look  
20 through the ones and zeros that we wanted to. That is really  
21 not going to be important to the case agent. It provides a  
22 copy of a copy that they can work on and make tags and mark  
23 stuff that is important to their case.

24 Q. It is a copy of a copy to the case agent without having  
25 access to the software licensing?

1 A. Correct.

2 Q. Is Cellebrite the primary tool for most forensic examiners  
3 for extraction?

4 A. Cellebrite and GrayKey/Magnet, which Magnet owns GrayKey,  
5 those are the two pretty much biggest stake holders in digital  
6 forensics and cell phone forensics in particular.

7 Q. Does Cellebrite create the data that is produced in the  
8 extraction?

9 A. It does not.

10 Q. It just extracts it?

11 A. It just makes a copy and shows us what was there on the  
12 phone.

13 Q. How many times have you used Cellebrite in your career on  
14 the mobile devices you analyze?

15 A. Probably 95 percent of the phones I use Cellebrite. If  
16 we're going I have done 2,000 cell phones, then at least 1800.

17 Q. Does Cellebrite make any modifications to the data on the  
18 phone?

19 A. It does make some minor modifications because the way that  
20 cell phones work, they are not really engineered like a  
21 computer is to transfer data on a usb drive, they don't really  
22 like to do that. What Cellebrite has to do is, it pretends it  
23 is the cell phone's programmer and it goes and says, hey, I  
24 want you to give me all your data. So it sends a command to  
25 the cell phone. The cellphone goes okay, your access level is

1 a programmer access level so I will give you my data.

2 Then it goes, okay, what data do you have, and they do this  
3 communication back and forth, my computer and the cell phone.  
4 Okay, do you have pictures? Yes, I have all these pictures  
5 stored her. Great, send me those, and then it talks back and  
6 forth.

7 So, while it is -- the phone is going to log those  
8 interactions, but it is not like Cellebrite is adding pictures  
9 to the phone. Cellebrite is not adding text messages to the  
10 phone. It is just saying, hey, I am a programmer, can you give  
11 me your data, and it goes yes. They keep talking back and  
12 forth until it has all the data off that phone that it can get.

13 Q. Do phones make changes to data regularly?

14 A. They do. There are two different things take phones do.  
15 As long as they have power to them there are two things that  
16 constantly happen. It is called wear leveling and it's called  
17 garbage collection.

18 Wear leveling, if you think about the human body, everybody  
19 is born and they have an elbow and the elbow can move maybe a  
20 hundred thousand times before something is going to go wrong in  
21 that elbow. The same thing with data on a computer chip, data  
22 can only be written to one sector so many times until it burns  
23 out that sector. The phone doesn't want to write data to the  
24 same sector over and over again, it wants to level that out  
25 across the whole availability of all the available storage on

1 that phone just like your body, you don't want to use your  
2 elbow a hundred thousand times to do one task. You want to use  
3 your whole body to do something and it makes less of a load on  
4 that one particular joint.

5 And then there is garbage collection. You can think of it  
6 two ways; cell phones are either efficient or they are very  
7 lazy. They don't try to do extra work. They don't want to  
8 overwrite data constantly. Every time you delete something or  
9 look at a web page and close it, it does not want to overwrite  
10 that data constantly. What it does is it just marks it and  
11 says, hey, this data is still here, but it is available to be  
12 written over if you get something new.

13 The phone, after awhile, looks at it and goes, okay, it has  
14 been awhile, all this excess data is taking up space, it  
15 doesn't need to be there, I am not really running efficiently,  
16 I am running kind of slow, let me wipe all that out.

17 Those things happen at a programmer level -- as long as the  
18 phone has battery to it, it will do those two processes  
19 irregardless of the user. It could be sitting there on a desk  
20 and then it just decides today is a good day to wear level, let  
21 me move this data here and move that data here, and make sure I  
22 don't burn out my elbows.

23 Then it goes, okay, it has been awhile since I did garbage  
24 collection, let me just throw my old garbage out and write over  
25 that data and put something new there.

1 Q. Wear leveling and garbage collection, does that create less  
2 data or more data?

3 A. Wear leveling will create copies when it moves it. It will  
4 store it temporarily somewhere, in what is called a cache, and  
5 then it moves it to its eventual location where it wants to be.  
6 It just makes copy of data on its own. Garbage collection is  
7 just getting rid of stuff.

8 Q. Okay. Now getting back to the extraction where you  
9 extracted data from the cell phone, Government's Exhibit 19,  
10 the Samsung cracked screen which we are referring to as item 2,  
11 did you make extraction reports using Cellebrite?

12 A. I did.

13 Q. How many extraction reports?

14 A. I made three additional extraction reports.

15 Q. Let's start with the first report. Did you locate any  
16 pertinent artifacts that showed ownership?

17 A. I did.

18 Q. What did you find?

19 A. So, a lot of times the case agents want us to make sure  
20 that this phone is the person's phone. In this particular  
21 case, there was auto fill data, which auto fill data is -- once  
22 again, the phone is trying to be efficient for the user, it  
23 wants to try to be as helpful as it can.

24 Whenever you go to a web page or put in your credit card  
25 information, you can say, hey, save this so I don't have to put

1 it in next time. In this case, there was auto fill data,  
2 several different auto fill datas for a first name Willie, and  
3 then there were several auto fill data for last name Boone.  
4 There was also a date of birth, 9/8/99. There were a couple  
5 addresses and some emails that looked like financial emails.  
6 All those emails were addressed to a Willie Boone. And then  
7 there were some text messages.

8 When Cellebrite does text messages it tries to make it look  
9 pretty for you and it labels green text messages as coming from  
10 the phone and sent to whoever it was sent to, and then it makes  
11 blue -- they color it blue for texts that were received by the  
12 phone from anybody out in the internet.

13 In this case, there was some green text messages indicating  
14 they were sent from the phone, identifying the user as Willie  
15 Boone, and once again labeling the data of birth of 9/8/99.  
16 Those were the ones I labeled to show the ownership, that this  
17 phone looked to be operated by a Willie Boone, 9/8/99.

18 MS. DARSCH: May I approach the witness?

19 THE COURT: You may.

20 BY MS. DARSCH:

21 Q. I am showing you what is marked as Government Exhibit 23.

22 Do you recognize it?

23 A. I do.

24 Q. How so?

25 A. Once again, it is the report that I made that would show

1 who was the owner or operator of the phone.

2 Q. Does it fairly and accurately represent what you described?

3 A. It does.

4 MS. DARSCH: Your Honor, at this time we move into  
5 evidence Government Exhibit 23.

6 MR. SCHUMACHER: Objection, hearsay, your Honor.

7 THE COURT: Response.

8 MS. DARSCH: It is not hearsay. These auto fill  
9 statements are the Defendant's own statements. Under Federal  
10 Rule of Evidence 801(d)(2)(A), any text messages in response  
11 are adopted by the Defendant. Under Federal Rule of Evidence  
12 (d)(2)(B), any other statements are by the Defendant's  
13 co-conspirators in this case, which Count 1 relates to a  
14 conspiracy, which relates to Rule of Evidence 801(d)(2)(E).

15 And as far as banking information that he mentioned,  
16 we are not trying to prove that as the truth of the matter  
17 asserted that Willie Boone actually received information there,  
18 only to show that it is relevant to ownership. A lot of these  
19 extractions are seized from a Federally lawful search warrant  
20 the to extract the things.

21 It shows direct possession of guns, evidence going to  
22 drug conspiracy proceeds. It's direct evidence of the counts  
23 and relating to Section 924(c), Count 3 of the indictment, and  
24 Count 4 of the indictment relating to 922(g), and I submit that  
25 this is not hearsay.



1 THE COURT: Okay. Any response from the Defense?

2 MR. SCHUMACHER: No, your Honor. It is an  
3 out-of-court statement being offered to prove the truth of the  
4 matter asserted. It's classic hearsay, your Honor.

5 THE COURT: I am going to overrule the objection for  
6 the reasons that the Government has stated on the record,  
7 citing to the applicable rules of evidence on the record.

8 23 is admitted over objection.

9 (Whereupon Government Exhibit 23 was marked for evidence.)

10 MS. DARSCH: Permission to publish to the jury, your  
11 Honor.

12 THE COURT: You may.

13 BY MS. DARSCH:

14 Q. I am showing you Government Exhibit 23.

15 One moment, let me try to auto focus.

16 MS. DARSCH: We are going to switch, it is not auto  
17 focusing.

18 BY MS. DARSCH:

19 Q. I am showing you Government Exhibit 23 admitted in  
20 evidence.

21 Is this the extraction report that we just discussed?

22 A. It is.

23 Q. Is this the one involving the auto fill information, the  
24 emails and the chat?

25 A. It is.

1 Q. Okay. I want to turn your attention to page two of this  
2 extraction report.

3 Is this where the auto fill information is that you were  
4 discussing earlier?

5 A. It is.

6 Q. Okay. And what do you see here?

7 A. So, like I was saying earlier, that artifact, you can see  
8 that it says right there first\_name, and then Willie, so that  
9 is saying the data for the first name was Willie. The source  
10 is Chrome, so this was using the Chrome web app browser, it was  
11 saved in there as the auto fill, the first name of the user  
12 would be Willie, and then it has the date that that occurred  
13 on.

14 Q. Okay. What about the last name?

15 A. So, same thing, it says last, you know, Boone, and then  
16 source is Chrome, and what date it happened on.

17 Q. Okay. Any other information identifying --

18 A. You have a middle name right there, Frank.

19 Q. And down here again?

20 A. Yes. And then you have an address, then you have date of  
21 birth right there, input dash three, which is 9/8/99. Then you  
22 have an email of willbopopup@gmail.com.

23 Q. And what is the last one?

24 A. The last one is the last name again of Boone.

25 Q. Okay. And now turning your attention to page three of

1 Government Exhibit 23. Okay. Could you just explain this date  
2 here, the start time to the last activity on March 3, 2022?

3 A. So, the start time to the last activity is what the phone  
4 likes to do, is it likes to put all the chats between a  
5 particular person in the same area.

6 The first chat ever made with this bo, which is what the  
7 user labeled the name as, with this phone number,  
8 (561)983-2698, the first time they ever chatted on this phone  
9 together was 12/23/21, at 11:45 a.m. The last chat they had  
10 was on 3/3/2022, at 7:57:42 a.m. And so, what I am marking  
11 here is that -- like I said before, it likes to label the green  
12 chats as from the user, or the user of the cell phone to the  
13 end user.

14 In this case, it would be from the phone to this person,  
15 Bo, at the number I said earlier, and the Bo is identifying  
16 themselves as Willie Boone.

17 Q. Okay. Now, I want to turn your attention to page four of  
18 Government Exhibit 23, and what are we looking at here?

19 A. So, once again, this is the next text message that would  
20 have been in chronological order on the phone to Bo. First,  
21 the Bo identified themselves as Willie Boone, then they gave  
22 their date of birth as 9/8/99.

23 Q. To clarify, the green chat box is the user of this cell  
24 phone?

25 A. Yes.

1 Q. And so, the blue chat box is sending the message to the  
2 user?

3 A. So, yes, if Bo would have been in between this sending a  
4 message back, it would be labeled blue. These are all green,  
5 so it is from the phone to Bo, not Bo to the phone.

6 Q. It just says owner, and here it says to Bo?

7 A. Right.

8 Q. Bo is on the blue messages, Bo's statements?

9 A. Right.

10 Q. Why does it just say owner in this top left-hand corner?

11 A. Because once again, cell phones fence and computers are  
12 lazy/efficient. They know that they are who they are, like  
13 they know I am a cell phone, I don't need to track my numbers,  
14 I don't need to track my information. I know who I am. So it  
15 only need to track who it is sending to. Okay, who do you want  
16 this message to go to? Bo. Okay, great, I will send it to Bo.

17 Q. This date of birth right here, is that the same date of  
18 birth that was in the auto fill information previously?

19 A. It was.

20 Q. I am now turning your attention to page four of Government  
21 Exhibit 23. You mentioned earlier that you extracted  
22 information from the cell phone relating to locating emails.

23 Turning your attention to email number one, please read --  
24 what are we looking at here?

25 A. So, this is an email to willbopopup@gmail, it's incoming,

1 and above where you circled is who it come from, looks to be an  
2 unemployment benefit company or server, and the time that it  
3 came in at of 2:24:22.

4 Q. And the subject line?

5 A. It says: Payment arrival for Willie Boone.

6 Q. Okay. I want to turn your attention to item two. Again,  
7 what are we looking at here?

8 A. Once again, an email to willbopop, it says the direction is  
9 incoming, and above that, it is from a survey company for a  
10 paid survey, and once again, 2, 22 -- 02/20/22, at 8:05 is when  
11 it arrived, and the subject is \$438.38, bank account deposit  
12 for Willie Boone.

13 Q. Okay, thank you.

14 Now I want to go -- you mentioned you had -- you did three  
15 reports. That is the first report. I want to go to the second  
16 report now.

17 Did you make an extraction report related to videos and  
18 images from the cell phone, the cracked Samsung, which I am  
19 calling item 2, based off the report?

20 A. Yes.

21 Q. Okay.

22 MS. DARSCH: Permission to approach.

23 THE COURT: You may.

24 BY MS. DARSCH:

25 Q. Showing you what has been marked Government Exhibit 21 for

1 identification, do you recognize it?

2 A. I do.

3 Q. How so?

4 A. It is the report that I made for the media on the phone,  
5 which was some pictures and videos.

6 Q. From the cracked Samsung?

7 A. Yes.

8 Q. Does this report fairly and accurately reflect that which  
9 you described?

10 A. It does.

11 MS. DARSCH: Your Honor, at this time the Government  
12 moves into evidence Government Exhibit 21.

13 MR. SCHUMACHER: Objection, hearsay.

14 THE COURT: Response.

15 MS. DARSCH: For the same reasons, this was seized  
16 from a Federal search warrant to extract data. What the  
17 Government has chosen to show the jury is evidence of direct  
18 possession of guns, again evidence going to the conspiracy  
19 which is alleged in Count 1, direct evidence of 18 United  
20 States Code, Section 924(c) in Count 3 of the indictment, and  
21 also involves the Defendant's statements and co-conspirator  
22 statements.

23 THE COURT: Okay. For the same reasons that the  
24 Government has put on the record and the Court admitted  
25 Government Exhibit 23 over objection, the Court admits 21 over

1 objection.

2 (Whereupon Government Exhibit 21 was marked for evidence.)

3 MS. DARSCH: Permission to publish Government Exhibit  
4 21 to the jury.

5 THE COURT: You may.

6 BY MS. DARSCH:

7 Q. Is this the second report you discussed?

8 A. It is.

9 Q. So, is this the extraction report relating to images and  
10 videos and other information on this phone?

11 A. It is.

12 Q. I am going to go a little out of order. First, I am going  
13 to turn your attention to image 10 on page four.

14 Do you know where this artifact was created that we are  
15 looking at, this image here?

16 A. This artifact was created by Instagram.

17 Q. How do you know that?

18 A. So, if you look at the path --

19 Q. And you can mark also.

20 A. So, cell phones are just like your computer, and if you are  
21 familiar with the computer, you have C drive/documents/my  
22 vacation to Greece/the date, whatever.

23 The cell phone does the same thing when it stores it. So,  
24 you have root, that is essentially the same thing as the C  
25 drive, the root of that phone. Then you have media, then it

1 has zero, so that is user number zero. There was only one user  
2 on this phone. Computers don't like to start at one, they like  
3 to start at zero, so zero is one. There is one user, and that  
4 is whoever logged into this phone one time.

5 Then you have pictures, so it's storing it in a photo, and  
6 then Instagram, and then you have slash, the image name, which  
7 is right above that. So, it is saying that this phone was  
8 stored in the root of the phone, in the media folder, in user  
9 number zero, in the pictures in Instagram.

10 So you see the path right here which that shows you, you  
11 know, the same thing, then you have the source file. So that  
12 is where -- you know, the same thing over here, you can see it  
13 come from Instagram, and then the name matches what that blue  
14 hyperlink is right there, and that is a typical naming  
15 convention for Instagram.

16 If you look at the create time right here, you see it says  
17 2/25/22. You have 2022, the month of 02, and the date of 25,  
18 that is how it means that it goes, hey, this is when this  
19 picture was created.

20 To give the picture a unique name it is very easy for the  
21 phone to log the time because the chances of you taking two  
22 pictures at the exact same time and the exact same moment is  
23 impossible because that is just not how phones work. They take  
24 one picture individually.

25 If you go to the next block, it says 2257, which is the



1 military time for 10:57. So, this is telling you the first  
2 part is the date, the second part is the time, and the last  
3 part is how many pictures have been taken on this phone. This  
4 was the 626th picture that was taken, and it gives you that it  
5 was a j.peg.

6 The name and convention coincides with the created time  
7 right there, and that is a typical naming convention for  
8 Instagram.

9 Q. Thank you.

10 The same artifact 10, right here that we are looking at,  
11 it's also showing up on other -- I am going to turn your  
12 attention to item 1. So, it is here and it is in item 2, and  
13 it is in item 4.

14 So, going back up to item 1, I will -- I am going to go  
15 through each one, so going through starting with item 1, could  
16 you please explain what this image is, why it is here again in  
17 item 1?

18 A. So, what typically happens is, when you take a picture with  
19 your phone it is going to want to store that picture in the  
20 DCIM folder, which is right. That is the industry standard way  
21 of storing all photographs or videos that are taken with a  
22 digital device. It actually stands for digital camera image.  
23 Kodak invented it when they first made the Kodak camera with  
24 the SD card.

25 If you take a picture with your Macbook, if you take a

1 picture with your Windows computer, you take a picture with  
2 your cell phone, you take a picture with a digital camera, each  
3 one of those, the second you take a picture it will create a  
4 DCIM folder on that device and store that picture there.

5 What you are looking at right above is, it says thumb data.  
6 So, when you are scrolling through your phone you don't see all  
7 these giant pictures because it would be way too slow, and it's  
8 not fun for the user. So, when you take a picture, it makes  
9 these little thumbnails in your gallery so you can look through  
10 them real fast and be like, oh, I want that picture, I want  
11 that picture.

12 Well, your phone actually makes smaller version of that  
13 picture, so it makes it easier for the user to operate their  
14 phone.

15 That is what happened in this case, is that at some point  
16 the picture was taken with the phone, and it was loaded into  
17 the gallery, in the DCIM, and then it created this thumbnail  
18 for the user to make their experience easier to find it.

19 Q. That is what we are looking at in item 1, the thumbnail?

20 A. Yes. And then it looks like item 2, the same thing, you  
21 know, thumbnail right here, thumbnail right here, and you can  
22 also see, too -- like I said, if you go back and look at the  
23 original item 10, the size is -- I will tell you it is 185386,  
24 but if you look at these, they are significantly smaller  
25 because, like I said, it is the smaller images that your phone

1 is creating. They are not the same size of data as your high  
2 resolution picture that was residing on the phone originally.

3 Q. Item 10 was the original?

4 A. Yes, item 10 was the original, and you can see that  
5 185,386, and then you go back to that first thumbnail, it is  
6 only 2,935, so significantly smaller because it is a thumbnail.

7 Q. We have talked about item 1 and item 2 and item 10. In  
8 item 4 I am seeing the same picture once again.

9 Could you please explain what this item 4 is, why we are  
10 seeing it again?

11 A. So, if you look right here, it says cache.

12 Q. If you hit the upper left corner, it will clear it.

13 THE COURT: Counsel, let me know when a convenient  
14 breaking point is.

15 THE WITNESS: Right here it says cache, and we kind of  
16 talked about cache earlier.

17 What happens is, when you take the picture with your  
18 phone and then you upload it to Instagram, it temporarily  
19 stores it somewhere else before it ends up residing at the end  
20 point, because what your phone doesn't want to do is move  
21 something when there is not a place to move it to. So it moves  
22 it to the cache because it knows there is available space for  
23 it to store it there, and then, Lord forbid, if there is an  
24 accident during the transfer you have your original picture,  
25 you have the cache picture, and you have where it eventually

1       resided.

2               What happened in this case is that the phone took a  
3 picture, it went into the DCIM folder, and most likely when the  
4 user moved it to Instagram, or uploaded it to Instagram it got  
5 cached for a second, a copy was made, and then it eventually  
6 ends up in the Instagram folder. If there were filters  
7 applied, whenever you apply filters on your Instagram or photos  
8 or change the exposure, you could always hit undo because that  
9 cached photo is still there of the original to undo all those  
10 changes you made to it.

11       BY MS. DARSCH:

12       Q. I am showing you now item 5, same picture again. So, what  
13 are we looking at here?

14       A. Same thing, just a cached version of that same image.

15       Q. Just like item 4 that you described, item 5 is the cached,  
16 too?

17       A. Yep.

18       Q. Now I want to turn your attention to item 8, right here,  
19 same photo again. What is going on here?

20       A. So, you can look at the naming convention and you can look  
21 at once again within the path, which is the same, it is  
22 embedded. What embedded means is it is an attachment to your  
23 email. It means it was embedded into a text message, it was  
24 embedded into a direct message through Facebook or Instagram or  
25 TikTok.

1           So when you actually send it, it gets attached to whatever  
2           your message was and then sent out into the ether of the  
3           internet.

4           Q.   This image was sent?

5           A.   Right.  It was embedded at some point and that means it was  
6           sent somewhere else out into the worldwide web.

7                   MS. DARSCH:  Your Honor, now is a good breaking time.

8                   THE COURT:  All right.  Ladies and gentlemen, we will  
9           take a mid-morning recess.  We will be in recess until -- for  
10          15 minutes, so between -- close to ten minutes after -- a  
11          little before ten minutes after 11:00.

12                   The same instructions will apply.  Please don't  
13          discuss the testimony or anything that has gone on in the  
14          courtroom with each other or anyone else.  Please refrain from  
15          any research of anything involving the case, no contact with  
16          anyone associated with the case.

17                   Our witness will remain under oath and resume the  
18          stand after the break, not to discuss your testimony with  
19          anyone.  We will be back in 15 minutes.  Thank you so much.

20                   (Thereupon, the jury left the courtroom.)

21                   THE COURT:  Okay.  You may be seated and take a break.

22                   (Thereupon, a short recess was taken.)

23                   THE COURT:  You can bring our jurors in.

24                   (Thereupon, the jury returned to the courtroom)

25                   THE COURT:  Welcome back, ladies and gentlemen.  You

1 may be seated, and we can resume the testimony of our witness.

2 MS. DARSCH: Could we please have the monitor?

3 BY MS. DARSCH:

4 Q. I am now showing you for identification purposes only what  
5 has been marked Government Exhibit 21-E. Do you recognize this  
6 photo?

7 A. I do.

8 Q. What is it?

9 A. It is the item for photo 10, the one that came  
10 from Instagram.

11 MS. DARSCH: Your Honor, we move into evidence  
12 Government Exhibit 21-E.

13 MR. SCHUMACHER: Without objection, your Honor.

14 THE COURT: 21-E is admitted without objection.

15 (Whereupon Government Exhibit 21-E was marked for  
16 evidence.)

17 BY MS. DARSCH:

18 Q. I want to turn your attention back to Government Exhibit  
19 21, page three.

20 MS. DARSCH: I apologize, your Honor, permission to  
21 publish.

22 THE COURT: You may.

23 BY MS. DARSCH:

24 Q. Is this item 10 that we were just discussing in Government  
25 Exhibit 21?

1 A. This is image 10, the one that came from Instagram that had  
2 the date and time.

3 Q. Now I want to turn your attention back to Government  
4 Exhibit 21 that we were discussing earlier. I want to turn  
5 your attention to image 3.

6 Do you know where this artifact was created?

7 A. This one, once again you can see it is in the DCIM folder  
8 that I talked about earlier, and it says camera, so this is  
9 telling you that this was created on this phone, it is stored  
10 in the DCIM, and it was created by the camera.

11 Underneath here you can see metadata, that is exit data.  
12 That is embedded into the photo. If you actually look at the  
13 picture, zoomed in really, really small, you would see dead  
14 pixels in the photo that are not -- your eye just can't  
15 perceive them. Those are actually data plots in the picture,  
16 and those data plots tell you what kind of camera it was. So  
17 it tells you the make, the model of the camera. It tells you  
18 the time that it was captured, tells you the resolution, it  
19 tells you the eventual resolution.

20 It's crossed out right here, but it says rotate 90 degrees,  
21 so it's telling you the orientation of the phone. It would be  
22 the same thing if you took it with your Kodak model five, or  
23 whatever, instead of saying Samsung, it said Kodak model five.  
24 It would say whatever, 20 mega pixels, blah, blah, blah.

25 The same with the iPhone, it would say the make of the

1 iPhone, the shutter speed, all that kind of stuff, and that's  
2 embedded in the picture itself, which leads to saying that it  
3 was created by this device. This is the same make and model as  
4 item 2, the same Samsung with the cracked screen.

5 Q. And could you please explain the exit data relating to this  
6 item?

7 A. That is what I was just explaining, the dead pixels, this  
8 actual data here, metadata, that is embedded in the dead  
9 pixels, and if you zoom in, if you could read the code it would  
10 say, hey, this is the Samsung. Then a couple of pixels over,  
11 hey, it is this model. That way your eye can't perceive it,  
12 but if you look at the photo with the program it will tell you  
13 all that data.

14 Q. Okay. Now I want to turn your attention to item 6. We are  
15 looking at the same image again.

16 Could you explain why it is showing up again?

17 A. Once again, it is embedded, so it just means it was  
18 attached and sent out to the internet at some point.

19 Q. Okay. I am now showing you what has been marked as  
20 Government Exhibit 21-D.

21 Do you recognize this image?

22 A. Yes. That is the same as image number 3 from my extraction  
23 report.

24 MS. DARSCH: Your Honor, at this time we move into  
25 evidence Government Exhibit 21-D.



1 MR. SCHUMACHER: Without objection, your Honor.

2 THE COURT: Admitted without objection.

3 (Whereupon Government Exhibit 21-D was marked for  
4 evidence.)

5 MS. DARSCH: Permission to publish to the jury.

6 THE COURT: You may.

7 BY MS. DARSCH:

8 Q. Is this the same image that you discussed earlier with the  
9 DCIM folder and the access data on the cell phone?

10 A. It is.

11 Q. Now I am turning back to Government Exhibit 21, and I want  
12 to direct your attention to item 9 on page four.

13 What are we looking at here as to where this artifact was  
14 created?

15 A. Once again it was an embedded photo, so it was sent to the  
16 internet at some point.

17 Q. Sent from this phone?

18 A. Yes.

19 Q. And turning to page 11 -- let me back up a minute.

20 This is the image right here that was sent?

21 A. Yes.

22 Q. Now I want to turn your attention to Government Exhibit 11  
23 on page four. How was this artifact created?

24 A. So what you are looking at right here, it comes from the  
25 telephony, so that is where your phone likes to put screen

1 shots if you have an Android phone. So the person -- I am not  
2 quite sure about this phone, but it is usually volume down and  
3 power will take a screen shot of whatever is on the phone.  
4 That is what this is, this is a screen shot taken with the  
5 phone and generated on the phone.

6 Q. Would you explain to the jury for anyone who doesn't know  
7 what a screen shot is?

8 A. You hit the two buttons, and whatever currently is on your  
9 screen, it saves that image as an image on your phone gallery.  
10 That way you can look at it later. People do it with like  
11 bills or important documents. They see something important,  
12 they do a screen shot. That way it is in my image gallery so I  
13 don't have to look through 20 pages, airline tickets or  
14 whatever, they just screen shot it.

15 Q. I am now showing you for identification purposes Government  
16 Exhibit 21-F. Do you recognize this?

17 A. Yes.

18 Q. What is it?

19 A. That is image number 11.

20 Q. Does it fairly and accurately represent image 11?

21 A. It does.

22 MS. DARSCH: Your Honor, at this time the Government  
23 moves into evidence Government Exhibit 21-F.

24 MR. SCHUMACHER: Objection, hearsay.

25 MS. DARSCH: It is not hearsay for all of the reasons

1 the Government articulated earlier with regard to the first  
2 report and second report.

3 THE COURT: What is the purpose for which it is being  
4 introduced?

5 MS. DARSCH: This is showing possession, that the user  
6 took a screen shot of his Greyhound ticket under the name,  
7 passenger Willie Boone.

8 THE COURT: Overruled.

9 (Whereupon Government Exhibit 21-F was marked for  
10 evidence.)

11 BY MS. DARSCH:

12 Q. I am now your --

13 THE COURT: Did you want it published?

14 MS. DARSCH: Permission to publish.

15 THE COURT: You may.

16 BY MS. DARSCH:

17 Q. Is this the screen shot of image 11 from the previous  
18 exhibit in the report?

19 A. Yes. Like I said, it is a screen shot so you can see what  
20 time is on the phone, how much battery they had, what the cell  
21 phone signal was. It tells you more that it is a screen shot,  
22 because most people don't put that in their pictures.

23 Q. I am now turning your attention back to Government Exhibit  
24 21, item 12 on page five.

25 Where was this artifact created?

1 A. Once again it's in the telephony part, it says part, and  
2 it's a -- once again, it is a screen shot, and this one has  
3 exit data to tell you what time it was screen shotted and what  
4 the orientation of the phone was, vertical or horizontal, and  
5 then its resolution.

6 Q. I am showing you for identification purposes Government  
7 Exhibit 21-G. Do you recognize it?

8 A. I do.

9 Q. Is this the same item you discussed, item 12, in the  
10 previous report, Government Exhibit 21?

11 A. It is image 12, yes.

12 MS. DARSCH: Your Honor, at this time the Government  
13 moves into evidence Government Exhibit 21-G.

14 MR. SCHUMACHER: Objection, hearsay.

15 THE COURT: Government's response.

16 MS. DARSCH: For the same reasons as item 11 was  
17 admitted, it has already been admitted in the report,  
18 Government Exhibit 21, and it is establishing the relevance of  
19 the possession of the phone, who had it.

20 THE COURT: 21-G is admitted over objection.

21 (Whereupon Government Exhibit 21-G was marked for  
22 evidence.)

23 MS. DARSCH: Permission to publish.

24 THE COURT: You may.

25

1 BY MS. DARSCH:

2 Q. Is this the same item, item 12 from page five, that we just  
3 looked at in Government Exhibit 21?

4 A. It is.

5 Q. Can you explain what is here?

6 A. So, it says, "Thanks, Willie, you are all booked." It's  
7 some kind of eticket.

8 Q. As far as the screen shot, is this a screen shot?

9 A. It is. You can see the time, you can see that this is some  
10 kind of email because here is an email to archive it, delete  
11 it, send it out to someone. Here are probably some more  
12 options, to forward it or reply. Then you can see the power  
13 and how much signal they had, and if you want to exit the  
14 email, you press back and that will take you to where all the  
15 other emails will be.

16 Q. Now turning back to Government Exhibit 21, page five. Now  
17 I'm turning to the videos on this page.

18 Are there any metadata artifacts that point to when a video  
19 is created?

20 A. So, typically the created and modified times right here are  
21 going to tell you when they are created. Computers are kind of  
22 funny, they use modified as when it was originally created and  
23 they use created as when it existed on this digital device.

24 If I had something and I gave it to you, the modified time  
25 will stay the same, but the created time will change because it

1 now exists on a new device. It is kind of counter intuitive,  
2 but in most cases they will be exactly the same because most  
3 things are created by that device at that time.

4 Q. And what is the created and modified time here?

5 A. They are almost exactly the same, except they are a couple  
6 seconds off, 3/3/2022, at 11:34:05, and then the modified is  
7 the exact same thing, but instead of 05, it is 20.

8 Q. On March 3, 2022?

9 A. Yes.

10 Q. Okay. Now I am turning your attention to this actual  
11 video, video number 1.

12 Where was this artifact created?

13 A. So, once again, it is an Instagram that was cached, so it  
14 came from the phone's Instagram.

15 Q. Could you please explain what a cache is?

16 A. So, once again, caching is when it is moved or changed from  
17 one place to the another. So, the video could have been  
18 originally taken and some filter applied so it caches that so  
19 it has something to revert back to if you mess the picture all  
20 up. In this case, the naming convention changed, so this is  
21 not a typical way for Instagram to name a movie.

22 In my opinion, what happened is that the original video  
23 would have had a naming convention like this down here,  
24 underscore, time, date, and then the unique number. What  
25 happened is that the user actually switched the name of the

1 video to selfie.

2 So, when he switched the name it caches it to store it for  
3 a second before the change happens. Then it applies the  
4 change, and once everything is good to go it stores the video  
5 again in a location that is accessible by the user.

6 Q. Just to clarify, the user relabeled this video selfie?

7 A. Yes, Android would not label one of your videos a selfie,  
8 that is just not how computers store stuff. It would store it  
9 in what looks like Greek to everybody. It would be the  
10 convention that has underscores and stuff that would allude to  
11 the time it was created and stuff like that.

12 Q. I am now showing you what has been marked as Government  
13 21-A for identification purposes. It is a video from item one  
14 in Government Exhibit 21. It is a 15-second selfie video. If  
15 you would take 15 seconds to review it.

16 THE COURT: Which exhibit is it?

17 MS. DARSCH: 21-A.

18 THE COURT: Okay.

19 BY MS. DARSCH:

20 Q. Did you review it in its entirety?

21 A. I did.

22 Q. What is it?

23 A. It is the video that is labeled video number 1.

24 Q. Does it fairly and accurately represent video number 1 from  
25 Government Exhibit 21?

1 A. It does.

2 MS. DARSCH: Your Honor, at this time the Government  
3 moves in evidence Government Exhibit 21-A.

4 MR. SCHUMACHER: Without objection.

5 THE COURT: Admitted without objection.

6 MS. DARSCH: Permission to publish.

7 THE COURT: You may.

8 (Whereupon Government Exhibit 21-A was marked for  
9 evidence.)

10 BY MS. DARSCH:

11 Q. Was that video 1 from Government Exhibit 21 that the user  
12 relabeled selfie?

13 A. It was.

14 Q. Now I want to go back to Government Exhibit 21 and bring  
15 your attention to video 2, right here.

16 Where was this artifact stored?

17 A. Once again, you know, root of the phone in the media  
18 folder, user zero, in the movies folder, Instagram. So, it was  
19 stored in the Instagram folder and the next number is the  
20 unique name for that particular file.

21 Q. So to clarify, in the Instagram folder within the root of  
22 the phone?

23 A. Right, root, media, user number zero, because there's only  
24 one user, the primary user, then in the movies, then Instagram.

25 Q. And what is the creation date here?



1 A. The creation date is February 19, 2022, at 1:08:45 a.m.

2 Q. I am showing you what has been marked Government Exhibit  
3 21-B, it is a short -- approximately a nine to ten second video  
4 that I want you to review.

5 Did you review it in its entirety?

6 A. I did.

7 Q. Do you recognize that?

8 A. I do, it's video number 2.

9 Q. From Government Exhibit 21?

10 A. Yes.

11 Q. Does it fairly and accurately represent video 2?

12 A. It does.

13 MS. DARSCH: Your Honor, at this time the Government  
14 moves into evidence Government Exhibit 21-B.

15 MR. SCHUMACHER: Without objection.

16 THE COURT: Admitted without objection.

17 (Whereupon Government Exhibit 21-B was marked for  
18 evidence.)

19 MS. DARSCH: Permission to publish.

20 THE COURT: You may.

21 BY MS. DARSCH:

22 Q. Was that video 2 from Government Exhibit 21?

23 A. Yes, ma'am.

24 Q. Okay. Now I am turning back to Government Exhibit 21, and  
25 I am turning to video 3.

1           Where is this item stored?

2           A.   Same thing, root of the phone, media folder, user zero,  
3   movies, Instagram.   So, it is stored in Instagram, and it was  
4   created on January 24, 2022, at 11:10:46 a.m.

5           Q.   I am now going to show you what has been marked Government  
6   Exhibit 21-C for identification purposes, a short video,  
7   approximately 14 seconds.   I want you to review it in its  
8   entirety.

9           Did you review the video in its entirety?

10          A.   I did.

11          Q.   Do you recognize it?

12          A.   I do, it's video number 3. Does it fairly and accurately  
13   represent the video?

14          A.   It does.

15                MS. DARSCH:   Your Honor, the Government moves in  
16   evidence Government Exhibit 21-C.

17                MR. SCHUMACHER:   Without objection, Judge.

18                THE COURT:   Exhibit 21-C is admitted without  
19   objection.

20                (Whereupon Government Exhibit 21-C was marked for  
21   evidence.)

22                MS. DARSCH:   Permission to publish.

23                THE COURT:   You may.

24                BY MS. DARSCH:

25                Q.   Is this video 3 from Government Exhibit 21?

1 A. It is.

2 Q. Similar to video 2?

3 A. It is.

4 Q. Now I am bringing your attention to the third report. You  
5 mentioned you did three reports. Before I do that, in regards  
6 to text messages, you mentioned earlier that Cellebrite has a  
7 standard way of displaying text messages in a report?

8 A. It does.

9 Q. Does Cellebrite make that text message appear as close as  
10 possible as it is on the phone?

11 A. Once again, it tries to make it for the end investigator as  
12 easy as possible. Most people, when their phone sends a text  
13 message, what you send is going to be one color, what you  
14 receive is a different color. Cellebrite does that by labeling  
15 what came from the phone out as green, and what came from  
16 somebody else to the phone as blue.

17 So, sent is going to be green, received is going to be  
18 blue.

19 Q. Okay. Turning to the third report, did you create a text  
20 message extraction as you just described relating to the cell  
21 phone, the Samsung cracked screen, which we referred to as item  
22 2?

23 A. I did.

24 Q. I am now showing you -- I am now showing you for  
25 identification purposes what has been marked as Government

1 Exhibit 22. Do you recognize it?

2 A. I do.

3 Q. How so?

4 A. It is the report that I made for various chats that  
5 happened on the phone.

6 MS. DARSCH: Your Honor, at this time the Government  
7 moves in evidence Government Exhibit 22.

8 MR. SCHUMACHER: Objection, hearsay.

9 THE COURT: Response.

10 MS. DARSCH: For the same reasons that the first two  
11 reports were admitted, but even more so, these statements are  
12 statements of the Defendant under Federal Rule of Evidence  
13 801(d) (2) (A) and adopted admissions under (d) (2) (B), and  
14 numerous messages involving co-conspiracy statements that were  
15 admitted under (d) (2) (E) .

16 This is the extraction seized from a Federal search  
17 warrant of the phone and the evidence is directly relevant to  
18 possession of guns, a drug conspiracy, and direct evidence of  
19 924(c), and Count 1 and Count 3 are the counts in the  
20 indictment.

21 THE COURT: Government Exhibit 22 is admitted over  
22 objection for the reasons stated by the Government on the  
23 record.

24 (Whereupon Government Exhibit 22 was marked for evidence.)

25 MS. DARSCH: Permission to publish to the jury.

1 THE COURT: You may.

2 BY MS. DARSCH:

3 Q. Is this the third report that you submitted?

4 A. It is.

5 Q. Okay. I want to just turn to page ten on this report, and  
6 I am not going to go through all of these chat messages with  
7 you, but is this what you were talking about earlier as an  
8 example, the blue chats and the green chats?

9 A. It is. You can see at the top it says "from", and then  
10 "to", and the to is owner. Same thing, the green one says  
11 from, who is the owner, and who it was sent to. So, it is  
12 green is from the owner, so owner in this case is the phone, to  
13 somebody else who is -- I can't see it because it is too small,  
14 something something -- wwe\_bangoutJ5.

15 So it is from that person to hothead bando. So, I have to  
16 imagine this is from Instagram, so these are the Instagram  
17 account names.

18 Q. So, the user of the cell phone is in green?

19 A. Yes.

20 Q. And it is being sent through Instagram?

21 A. Yep.

22 Q. And I want to scroll up and just every time we have --  
23 right there. Every time we have chat messages in this report,  
24 I notice there is -- at the beginning of every new there is  
25 this information right here. (Indicating.)

Pauline A. Stipes, Official Federal Reporter

1           Could you just explain what this indicates, the start time  
2           and the source?

3           A.   So, the same thing as we talked about earlier, it is going  
4           to tell you what time the first chat that ever took place  
5           between these two on this phone started, and it is going to  
6           tell you the last time that these two participants talked to  
7           each other.

8           In this case, it is going to be from hothead.bando to  
9           kutta\_.kreep, so it is telling me that these two participated  
10          in a chat, and it tells you what time they started chatting,  
11          what time they ended the chat, if there were any attachments  
12          sent directly through the DMs, and it will tell you once again  
13          like Instagram. Over here it is going to say Instagram 2.

14          So, it's going to tell you, hey, this was a DM conversation  
15          or a chat between these two participants through Instagram, and  
16          then when it started and when it ended.

17          Q.   Okay. And then I want to turn your attention to page five  
18          on this exhibit. This is another instruction page here, it  
19          says Instagram 2 here.

20          Could you explain the source file and the body file that we  
21          are looking at here, the source?

22          A.   So same thing, source from Instagram. This is called a  
23          reverse DNS, so if you actually switch the Instagram and the  
24          dot com, that tells you what page that came from. DNS is the  
25          domain name server, it's how you navigator anywhere on the

1 internet. Phones like to label it in reverse, so that way they  
2 don't go to the internet, it is not a real website, but if you  
3 switch the dot com to the other side, this is telling you the  
4 source is Instagram and then it's confirming that it came from  
5 the reverse DNS of named Android user on Instagram.

6 Q. The messages that follow are between the user and  
7 wwe\_bangout on Instagram?

8 A. Wwe\_bangout, who is also known as J5, and from the owner of  
9 this phone -- or the owner of this Instagram, hothead.bando.

10 Q. Okay. I want to continue with the bangout. Page seven, I  
11 want to turn your attention to the first blue chat message.

12 Here we have wwe\_bangout again. How do we know like this  
13 is also again from Instagram, because we don't have that face  
14 sheet again?

15 A. Right here, reverse DNS.com, Instagram.Android, so it is an  
16 Android device on Instagram, so you know two different ways it  
17 is going. It is in blue, so that means it is received, and  
18 it's from this person to this person. Then the date and time  
19 that it happened is, you know, February 18, 2020, at 4:07:54  
20 p.m., and the content of the message is, "I need a pole," and  
21 then it tells you the participants again below.

22 Q. And so, I need a pole, that was sent to the cell phone?

23 A. It was sent through Instagram to the cell phone.

24 Q. Okay. After you did these three reports that we just  
25 discussed, did that complete your physical examination of the

1 Samsung cell phone with the cracked screen which we referred to  
2 as item number 2?

3 A. It did.

4 Q. Now, what did you do with the cell phone after you  
5 completed the extraction and the reports?

6 A. The cell phone was sealed by me, I initialed it, I put my  
7 ID number for the department in there, and then I put it back  
8 in evidence.

9 Q. Now I want to turn your attention to the other cell phone,  
10 Government Exhibit 20, that you have with you, the dark colored  
11 Samsung phone. I will refer to it as item 1, as you referred  
12 to.

13 Were you able to extract information from that phone?

14 A. I was.

15 Q. What tool did you use?

16 A. In this situation I used GrayKey, it is the sister company  
17 of Cellebrite. It essentially does the same thing, but  
18 sometimes GrayKey is better to use.

19 In this situation, because the phone had a pass code on it,  
20 GrayKey actually installs a client on the cell phone, and then  
21 it starts trying to guess the pass code. It starts at zero  
22 zero, zero, zero, goes to zero, zero, zero, one until it gets  
23 to nine, nine, nine, nine. It alerts you that it found the  
24 pass code and unlocked the phone. Since the phone is now  
25 unlocked and not encrypted, it is able to extract the phone.



1           When it found the pass cod it was able to complete a file  
2           system and the same process happens. I take that file system  
3           extraction, it comes out as a locked zip file. I take that zip  
4           file and load that into Cellebrite physical analyzer. The  
5           physical analyzer makes it human readable. I create a reader  
6           report and provide it to Detective Ward and then he lets me  
7           know if there's any further analysis that he wants me to pull  
8           out of that phone.

9           Q. Did you create a reader report here?

10          A. I did.

11          Q. What did you learn from the extraction on this phone?

12          A. This was fairly new, it had only been used for a month.  
13          There were some things that pointed to ownership, auto fill for  
14          a credit card. I can't remember the last four off the top of  
15          my head, but there was the last four of the credit card number,  
16          the name on it was Willie Boone. There were some email  
17          artifacts that once again said Willie Boone to that  
18          willbopopup.

19                So, it led me to the opinion that the owner of this phone  
20                was once again Willie Boone.

21          Q. Thank you.

22                I want to turn your attention -- you mentioned you have  
23                been a law enforcement officer for some time. During your  
24                career have you ever made mistakes?

25          A. I have.

1 Q. What were those?

2 A. A long time ago, I had a review of a use of force that my  
3 lieutenant found to be needing correction, so he sent me to a  
4 correction training, a remediation, and I got a written  
5 reprimand for that. I got a written or verbal counseling for  
6 my car hitting an inanimate object. I believe it was a  
7 telephone pole or some kind of parking pole.

8 I had another case where I directed an officer to do  
9 something and collect evidence for me while I was arresting  
10 somebody. He didn't properly collect it, and that falls on me  
11 as the arresting officer, and I was given a written or a verbal  
12 for the improper collection of evidence.

13 I believe all of these were over ten years ago, with most  
14 of them being when I first started closer to the 16 years ago.

15 Q. Did any of those incidents have anything to do with this  
16 case?

17 A. No.

18 Q. And since that time, have you had any other incidents in  
19 over almost a decade?

20 A. No.

21 Q. Have you received any awards since that time?

22 A. Like I talked about earlier in my expert testimony, I have  
23 received the best forensic computer examiner, top 25 and 50 for  
24 three years. I got the Federal Outstanding Officer of the Year  
25 award from the U.S. Attorney's Office. I have numerous

1 department citation medals, medals of police excellence, life  
2 saving medals, accommodations. That is about it.

3 MS. DARSCH: Nothing further, your Honor.

4 THE COURT: Any cross-examination?

5 MR. SCHUMACHER: Judge, there are a lot of exhibits,  
6 would it be possible to take an early lunch?

7 THE COURT: Why don't you try to get underway, and  
8 then we can see where we need to take a break, if you want to  
9 get through what you can.

10 CROSS-EXAMINATION

11 BY MR. SCHUMACHER:

12 Q. Detective Campbell, I am going to call your attention back  
13 to your testimony regarding the auto fill data from  
14 Government's Exhibit 23.

15 As part of any of the auto fill data, you had certain  
16 addresses that were given, correct?

17 A. There were addresses within the auto fill, yes.

18 Q. Can you -- thank you. Thank you.

19 Do you recall the address that was provided as part of that  
20 auto fill data?

21 A. I am just referring to the report on page two. It looks  
22 like it's 1423 7th Street, West Palm Beach, Florida, 33401.

23 Q. Is that what you see right here?

24 A. Yes, where it says address.

25 Q. Were there any other addresses that were given as part of

1 that?

2 A. There were other addresses in the auto fill.

3 Q. Are they also related on this --

4 A. I didn't include them in this report, no.

5 Q. Do you remember them?

6 A. No. I would have to refer to the master report. There was  
7 a lot of auto fill artifacts in the master report.

8 Q. Do you recall offhand whether or not 621 52nd Street, West  
9 Palm Beach was ever used as an auto fill?

10 A. I have no idea.

11 Q. From what we have in front of us here today, the jury can  
12 conclude that that address was not one that was used for auto  
13 fill. Is that fair?

14 A. No, because I didn't -- I don't know anything about the  
15 case, I just am kind of told, hey, find ownership of this. I  
16 don't know the Defendant, I have never seen him, I never  
17 learned his name, date of birth. I don't know anything about  
18 him. That is not my job.

19 Once again, I am support personnel unless the case agent  
20 tells me, hey, I am looking for this specific artifact, this  
21 address. In this case, I don't believe that was done. I just  
22 provided what I thought in my best opinion would show ownership  
23 of this phone, so I went through and marked a couple of  
24 exhibits.

25 If you look through the original report, there is probably

1 like 300 different auto fill entries, and I only marked 18 of  
2 them.

3 Q. So, you decided what was important and what wasn't  
4 important to do?

5 A. I looked at what I think would show ownership and would  
6 relate to the Defendant, and those were names and date of birth  
7 that shared in those two things.

8 Q. Is it possible to find an auto fill information that does  
9 not pertain particularly to the Defendant?

10 A. Sure. If you look at my phone, my dad's auto fill will be  
11 in there because I may put him as a contact, and I saved it to  
12 make it easier, or I might have used his credit card, or my mom  
13 or my best friend.

14 I don't know what the user did on his phone. He could have  
15 done a myriad had of things. If he is a power user and does  
16 banking, there could be thousands of auto fills, or if he is  
17 someone's financial adviser, there could be a ton of them.

18 Q. There is not a specific thing within the data that you  
19 analyzed on the phone that says this phone belongs to. It's  
20 not like a name tag?

21 A. No. We can't say a hundred percent that this person was  
22 behind this phone at this time.

23 Q. Okay. What about photos, sir? I think -- I looked at the  
24 12 photos that are in Government Exhibit 21. That is one of  
25 your reports, correct?

1 A. Yes.

2 Q. So, I am going to call your attention to -- I believe this  
3 is number 3, photo number 3?

4 A. Yes.

5 Q. That is a picture of Mr. Boone, and he appears to have cash  
6 draped around his arms; is that correct?

7 A. Yes.

8 Q. This particular metadata tells you, or the path of the  
9 source file tells you that a camera was used, correct?

10 A. Yes. It tells you the exit data and tells you what camera,  
11 what model camera was used.

12 Q. From this particular picture, this is saying the camera  
13 that is part of this phone took that picture; is that right?

14 A. I would have to look at my other report to make sure the  
15 two models coincide. I do believe off my recollection that the  
16 camera model of the phone and the camera model of what it says  
17 in the report are the same.

18 Q. Do you know which report that would be?

19 MR. SCHUMACHER: May I approach, your Honor?

20 THE COURT: You may.

21 THE WITNESS: So, referring my memory from my  
22 documentation, I put the model as SM-S327PL. If you look at  
23 the exit data on the report it has the same model.

24 BY MR. SCHUMACHER:

25 Q. Is there a specific -- another Samsung phone that is the

1 same, would that have the same camera make and camera model?

2 A. Yes.

3 Q. Is there anything distinctive that actually tells you that  
4 this particular picture was taken with this particular phone?

5 A. If somebody took the exact same picture with a different  
6 phone and was a power user and was able to transfer it to the  
7 same model phone, it would look very similar, but it is not  
8 what happens commonly in nature. You would have to kind of  
9 force that.

10 Q. Can we agree, sir, out of these 14 pictures -- let me be  
11 sure I have the right number -- 12 pictures, I'm sorry. Out of  
12 the 12 pictures, this is the only one with a source that  
13 indicates that it is coming from the camera?

14 A. Yes, and that is because Instagram -- you know, people may  
15 not want to believe it, but Instagram tries to protect your  
16 privacy a little bit and, A, they don't want to store the extra  
17 data because storing data costs money. Having this exit date  
18 in these photos costs Instagram money to store all this extra  
19 data that they really don't need to store.

20 On top of that, they are trying to protect you so I don't  
21 go to your pictures on your profile, download that picture, and  
22 now I know what make, model you have, what kind of phone you  
23 have, all this information that I shouldn't have.

24 So, whenever you upload something to Instagram, Instagram  
25 strips all of that metadata off to protect you.

1 Q. Not all of the rest of these 11 photos, those are not all  
2 coming from Instagram, right?

3 A. A large majority of them are, but I don't think all of them  
4 are.

5 Q. This is number 1. That doesn't suggest that it is coming  
6 from Instagram, correct?

7 A. That is linked to image 10, which is coming from Instagram.  
8 That is a thumbnail from item 10, which is an Instagram photo.

9 Q. And that is this particular photo?

10 A. Right. You can see there it says root media zero, pictures  
11 Instagram, so item 1 is a thumbnail of that Instagram photo.  
12 If the user would have -- theoretically, if the user took the  
13 video with this camera and uploaded that photo to Instagram and  
14 deleted the original photo, the original photo is not going to  
15 have that excess data anymore because it has been deleted.

16 Instagram would have cached it and moved it to Instagram.  
17 The cache is a copy, and then Instagram can strip all the  
18 excess data out and then save it again in the Instagram folder.

19 Q. Is this the first photo, this particular photo, is this the  
20 first occurring to this photo in the camera?

21 A. I don't know if it is in there or in the phone. I'd have  
22 to look through it.

23 Q. Okay. From what Instagram account did this picture  
24 originate in position 10, artifact 10?

25 A. This report won't tell you that.



1 Q. So we don't know?

2 A. No.

3 Q. It could have come from any number of person's Instagram  
4 accounts?

5 A. It could have, yes.

6 Q. Do you know, for instance, from your analysis of the phone  
7 whether or not Mr. Boone had an Instagram account?

8 A. That wasn't part of my ask. The only way I could say that  
9 in my opinion is when we are looking at the chat messages,  
10 there was a participant, and that participant was -- I forget  
11 what it was, hothead or something dot something. If that is  
12 his Instagram, I don't know. I didn't work any of the linking.  
13 There might have been search warrants served to Instagram for  
14 participants. I don't know, I wasn't involved in that. My  
15 role is just to go on the phone.

16 Q. Many times when you give information to a lead detective,  
17 for example, he will follow it up with a subpoena to Instagram  
18 or whoever is providing information from the phone?

19 A. It depends on that detective's case facts. I know we do a  
20 lot with the internet crimes against children. Those are  
21 images that are uploaded to the cloud that shouldn't be there.

22 Typically, they will serve a subpoena to Instagram or  
23 wherever it was stored, figure out that user account, link that  
24 user to that account, figure out their address and get the cell  
25 phone recovered. I don't know what the lead detective did in

1 this particular case.

2 MR. SCHUMACHER: Excuse me, Judge, I'm sorry.

3 THE COURT: Yes.

4 MR. SCHUMACHER: Photo number 10, please.

5 BY MR. SCHUMACHER:

6 Q. So, are we able to say -- let's start with photo number 10.

7 We are going to pull that up in just a second.

8 So, for item number 10, are we able to say whether or not  
9 this phone was used to take this particular picture?

10 A. The only thing that would give me an opinion that this  
11 phone was used in the creation of this is that it is stored in  
12 the phone's root folder of Instagram. It is not typical for  
13 the phone to store random pictures in your Instagram; it is  
14 what you post.

15 So, if you have never had an Instagram account, there's not  
16 an Instagram folder, you download Instagram. It will create an  
17 Instagram for that user of that phone. It is not linked to the  
18 account per se, it just makes it within the slashes of the  
19 location it can store. When you post something it typically  
20 asks you if you want to save a copy, depending on the phone,  
21 and then it stores that copy in Instagram.

22 Q. What about somebody that is downloading a photo or keeps a  
23 photo that was taken by someone or something else?

24 A. That wouldn't be stored in Instagram. Only things that  
25 happen in Instagram are stored in Instagram.

1 Q. Did you ever go back and verify the photos that came from  
2 Instagram to see whether or not any such photo occurred on this  
3 particular phone?

4 A. No. I just located this photo. I was directed to include  
5 this in my report, and I did.

6 Q. So, we don't know independently from your assessment  
7 whether or not this particular photo is on that particular  
8 phone?

9 A. No.

10 Q. As far as having been taken by that phone?

11 A. No.

12 Q. If it was, it would be in the gallery, would it not, sir?

13 A. There is a thumbnail and there is a cache of it, so this  
14 picture did move around on this phone, but once again, I can't  
15 put this phone -- a power user could modify this data.

16 Q. For all these photos that we saw, sir, can we say the same  
17 thing? Did you ever go back and say, okay, this is an  
18 Instagram -- a photo that was posted on Instagram is that same  
19 photo on the phone?

20 A. I wasn't directed to do that, so I didn't do that.

21 Q. As far as the origination of most of these photos, A, we  
22 don't know who took them. Can we agree to that, sir?

23 A. Yes, of course.

24 Q. B, we can also now say that we don't know if it was taken  
25 with this phone or it was sent to this phone; is that correct?

1 A. Once again, it would have had to happen in Instagram on  
2 this phone to be stored in that Instagram folder.

3 Q. Again, who was taking the picture and what it depicts you  
4 can't say?

5 A. No.

6 Q. Okay. What about the videos?

7 A. That would be the exact same.

8 Q. The same question?

9 A. Yes.

10 Q. You would not be able to tell this jury, for instance, who  
11 took that particular photo?

12 A. No, I can't.

13 Q. You can't say whether it was done on this particular phone  
14 or if it was transferred to this phone, correct?

15 A. No.

16 Q. So, for a screen shot, is that something that is unique to  
17 this particular phone? Do we know that it is actually coming  
18 from this phone?

19 A. You can't say with certainty, no.

20 Q. It could have been sent to the phone and then a screen grab  
21 given of that; is that right?

22 A. Yes.

23 Q. There is -- talking about the Instagram, you prepared a  
24 separate report for the Instagram chat; is that correct?

25 A. It was just all chats, some of them over text messages,

1 some of them are Instagram chats.

2 Q. The individuals contained in those were -- I think we  
3 looked at kutta\_kreep; is that correct?

4 A. Yes.

5 Q. Hothead.bando?

6 A. Yes.

7 Q. Who are those people?

8 A. I have no idea.

9 Q. Do they belong to this phone or are they coming from  
10 another source being sent to this phone?

11 A. Well, hothead.bando was the account that it was being sent  
12 from, that account was logged in on that phone and was sending  
13 out to somebody else. Who is the owner of hothead, I don't  
14 know. Who was behind the phone at that time, I don't know, and  
15 whatever linkage between that account is not my job. That is  
16 the case agent through additional subpoenas.

17 Q. The case agent presumably would then subpoena Instagram  
18 records to see who that belonged to?

19 A. If it is important to their case, yes. Like I said, I am  
20 support, so --

21 Q. The three videos that we saw, did you ever verify whether  
22 or not any of those videos were actually taken with this  
23 camera?

24 A. Once again, you can't say that they were taken with this  
25 camera, just that they were stored in the Instagram folder of

1 this camera.

2 MR. SCHUMACHER: May I have a moment, your Honor?

3 THE COURT: Yes.

4 BY MR. SCHUMACHER:

5 Q. Just one other thing. There was a -- you talked about a --  
6 I think when we were talking about -- do you remember an email  
7 that was associated with the auto fill pages?

8 A. Yes.

9 Q. Okay. I believe it was willbopop?

10 A. Williepopup, or something like that.

11 Q. Let's be clear about it. Was it willbopop or williebopop?

12 A. Willbopopup.

13 Q. Okay. I think on direct examination you called it  
14 willbopop, or something like that. You don't see that, do you?

15 A. It is labeled E-4 -- or E-14 on page one, the second to the  
16 last one, willbopopup@gmail.

17 MR. SCHUMACHER: Nothing further, Judge.

18 THE COURT: Okay. Any redirect?

19 MS. DARSCH: No redirect, your Honor.

20 THE COURT: Okay, thank you very much, you may step  
21 down.

22 All right. Ladies and gentlemen, we will take our  
23 lunch recess now. We are trying to end a little early this  
24 evening. I understand it is Halloween, so maybe some of you  
25 want to trick or treat or be involved in the activities. So,

1 if we could try to be back at one o'clock, it is a little less  
2 than an hour.

3 Please remember the same instructions not to discuss  
4 the case with anyone, no research, no association with anyone  
5 affiliated with the case. We'll see everybody back at 1:00.

6 The Government can have its next witnesses lined up.  
7 Thank you so much.

8 (Thereupon, the jury leaves the courtroom.)

9 THE COURT: Okay, we will be in recess.

10 In light of the fact that there is a request to leave  
11 early, when do you propose we address the jury instructions, at  
12 least the first go through? What are we looking at?

13 MRS. CHASE: We are prepared right now, your Honor.

14 THE COURT: Do you want to spend five minutes or so  
15 now just so I get a sense of where we are right now and how  
16 much work we have to do on them.

17 MR. SCHUMACHER: That is fine, Judge.

18 THE COURT: As I understand it, if you have them in  
19 front of you, we will go through it page by page, there doesn't  
20 seem to be an objection to -- I will officially have it put on  
21 the record, but if you want to look at it together.

22 The first page is Court's instructions to the jury.  
23 There does not appear to be an objection; is that correct?

24 MR. SCHUMACHER: Correct, Judge.

25 THE COURT: From both sides?

1 MRS. CHASE: Yes.

2 THE COURT: Duty to follow instructions and  
3 presumption of innocence. No objection?

4 MRS. CHASE: No, your Honor.

5 MR. SCHUMACHER: No, your Honor.

6 THE COURT: Definition of reasonable doubt, no  
7 objection?

8 MRS. CHASE: No, your Honor.

9 MR. SCHUMACHER: No.

10 THE COURT: Consideration of direct and circumstantial  
11 evidence, argument of counsel comments by the Court, no  
12 objection?

13 MR. SCHUMACHER: No.

14 MRS. CHASE: No.

15 THE COURT: Credibility of witnesses, no objection?

16 MRS. CHASE: No, your Honor.

17 MR. SCHUMACHER: No, your Honor.

18 THE COURT: Next is impeachment of witness because of  
19 inconsistent statements. We will go through a colloquy with  
20 Mr. Boone. Depending on whether he testifies, it will be one  
21 or the other of the next one as well.

22 Are we going to wait and see if he testifies?

23 MR. SCHUMACHER: Judge, we made that decision already.  
24 If the Court wants to make inquiry now, you can do that, your  
25 Honor.



1 THE COURT: Let me see here. I will look for that in  
2 a moment.

3 Okay. Mr. Boone, if you'd raise your right hand.

4 (Thereupon, the Defendant was duly sworn.)

5 THE COURT: Okay. Can you talk into the microphone.

6 BY THE COURT:

7 Q. Mr. Boone, do you understand that you have the right to  
8 testify?

9 A. Yes, ma'am.

10 Q. Do you understand that you have the right not to testify?

11 A. Yes, ma'am.

12 Q. Do you understand this right arises under the United States  
13 Constitution?

14 A. Yes, I do.

15 Q. Do you understand that it is ultimately your decision  
16 whether you choose to testify or not testify in this case?

17 A. Yes, ma'am.

18 Q. Have you had the opportunity to speak with your attorney  
19 about whether to testify or not to testify?

20 A. Yes, I did.

21 Q. Do you need any more time to speak with your attorney?

22 A. No, ma'am, I don't.

23 Q. Okay. I want to make sure, have you made a decision about  
24 whether you want to testify or not?

25 A. Yes, ma'am.

1 Q. Do you want to testify in this case?

2 A. No, ma'am, I do not.

3 Q. I want to make sure that you personally have made this  
4 decision not to testify in this case. Is this your personal  
5 decision not to testify in this case?

6 A. Yes.

7 Q. Have you made this decision knowingly and voluntarily?

8 A. Yes.

9 THE COURT: Does either counsel believe any further  
10 inquiry is necessary?

11 MRS. CHASE: Not for the Government, your Honor.

12 MR. SCHUMACHER: No, your Honor.

13 THE COURT: Okay, thank you, Mr. Boone.

14 In light of that, the first instruction, impeachment  
15 of witnesses because of inconsistent statements, that would  
16 stay in. The next one, impeachment of witness because of  
17 inconsistent (defendant with felony conviction) testifies, that  
18 would come out, but we keep the first one; is that correct?

19 MRS. CHASE: Yes, your Honor.

20 MR. SCHUMACHER: Yes, your Honor

21 THE COURT: Expert witness, no objection?

22 MRS. CHASE: No.

23 MR. SCHUMACHER: No.

24 THE COURT: Introduction to offense instructions, no  
25 objection?

1 MRS. CHASE: No, your Honor

2 MR. SCHUMACHER: No, your Honor.

3 THE COURT: Conjunctively charged counts, no  
4 objection?

5 MRS. CHASE: No.

6 MR. SCHUMACHER: No.

7 THE COURT: On or about, knowingly, willfully,  
8 generally, no objection?

9 MRS. CHASE: No, your Honor.

10 MR. SCHUMACHER: No.

11 THE COURT: Controlled substances, conspiracy, 21  
12 U.S.C. Section 846 and/or 21 U.S.C. Section 963, no objection?

13 MRS. CHASE: No, your Honor

14 MR. SCHUMACHER: No, your Honor.

15 THE COURT: Controlled substances, possession with  
16 intent to distribute, 21 U.S.C. Section 841(a)(1), no  
17 objection?

18 MRS. CHASE: No, your Honor.

19 MR. SCHUMACHER: No, your Honor.

20 THE COURT: The next one, possessing a firearm in  
21 furtherance of a violent crime or drug trafficking crime, 18  
22 U.S.C. Section 924(c)(1)(a), it appears at the bottom of the  
23 page and the top of the following page in italics is language  
24 that the Government has added, and that the Defendant opposes,  
25 and it would be -- they would be changes that -- or changes to

1 the pattern instruction.

2 Have the parties reached any agreement on the  
3 following language: There must be a nexus between the firearm  
4 and the crime. In considering whether the Government has  
5 demonstrated such a nexus, you may consider the accessibility  
6 of the firearm, the type of the weapon, whether the weapon is  
7 stolen, the status of the possession, legitimate or illegal,  
8 whether the gun is loaded, proximity to the drugs or drug  
9 profits, and the time and circumstances under which the firearm  
10 is found, and then there is a footnote, too.

11 MR. SCHUMACHER: No, we have not reached a consensus,  
12 your Honor. The Defense still objects to that being outside  
13 the pattern instruction, and I further object that it takes  
14 away to a certain extent the province of the jury in making a  
15 determination.

16 THE COURT: Government.

17 MRS. CHASE: Your Honor, as noted in the footnote,  
18 this is directly from the annotations to the pattern  
19 instruction, which are included in Docket Entry 104 on page 28,  
20 toward the middle of the page. The Court can see the direct  
21 language from United States versus Timmons, 283 F.3d 1246,  
22 which is an Eleventh Circuit case from 2002.

23 Your Honor, we submit that the Timmons case  
24 establishes various factors that the finder of fact, here the  
25 jury, can use in determining whether the Government has proven

1 that the firearm was possessed in furtherance of the drug  
2 trafficking crime.

3 That is the second element that we must prove, and we  
4 submit that these factors, which were enumerated by the  
5 Eleventh Circuit, would actually assist the jury in helping  
6 make that determination. Those are factual determinations,  
7 such as the accessibility of the firearm, the type of weapon,  
8 whether the weapon is stolen, etc.

9 So, we submit that the finder of fact can use those  
10 factors in determining whether element number two has been  
11 proven beyond a reasonable doubt.

12 THE COURT: Which instruction number is it?

13 MRS. CHASE: This is O 35.3.

14 THE COURT: Okay, I do see the annotations, but, you  
15 know, the pattern is presumed to address the issues that the  
16 committee that puts together the pattern instructions believes  
17 the jury would need to make its decisions based on the issues  
18 within the instruction.

19 Is there something about the instruction that you  
20 think is insufficient or misleading or confusing?

21 MRS. CHASE: I do think that the further factors  
22 enumerated in the case law do actually further help the jury  
23 and, granted, this was over 12 years ago, your Honor, but prior  
24 to being an AUSA in this district I was an AUSA in the Eastern  
25 District of Tennessee, and I believe the Sixth Circuit pattern

1 instructions actually include these sorts of factors in the  
2 instruction.

3 I know that is merely persuasive to this Court, but  
4 the United States does submit that these factors, which are  
5 illuminated in the case law, would assist the trier of fact  
6 here in determining whether the firearm was possessed in  
7 furtherance of the drug trafficking crime.

8 MR. SCHUMACHER: I think the plain prose of part two  
9 of that is very clear to the average reader. It is being used  
10 to conduct, or in furtherance of, and I don't think the  
11 additional language clarifies anything. It may cause a jury to  
12 otherwise dwell on something that one particular District  
13 Court -- Court of Appeals, rather, chose to enumerate for  
14 purposes of just demonstrating what could be considered.

15 The Government is free to argue this.

16 THE COURT: Having considered argument from both  
17 sides, the Court is going to overrule the request by the  
18 Government to vary from the pattern instructions, even though I  
19 understand you are quoting from the annotations, and the Court  
20 is going to adhere to the pattern instruction for this  
21 particular instruction, which we are referring to as O 35.3,  
22 possessing a firearm in furtherance of a violent crime or drug  
23 trafficking crime. So, we will make that change.

24 By the way, the document we are working off of right  
25 now will be called draft one, so it will be uploaded so any

1 person looking at the record will be very clear what we are  
2 working off of as we are discussing these instructions.

3 The next instruction is possession of a firearm. The  
4 standard is "or ammunition by a convicted felon," 18 U.S.C.  
5 Section 922(g)(1). Is it the case that both sides wanted  
6 ammunition out because that's not an issue in this case? To  
7 that extent it changes the pattern, but if both sides agree to  
8 that, that is fine, and I understand why you would do that.

9 MR. SCHUMACHER: Yes, your Honor.

10 THE COURT: Okay. So we will go with what you have,  
11 except as it relates to we are not including ammunition per the  
12 standard. The Government has added language on the second page  
13 that in your footnote you indicate that this portion was added  
14 to comply with DOJ policy following the recent Supreme Court  
15 decision in *Wooden versus United States*, 142 Supreme Court  
16 1063, 2022.

17 In that case the Supreme Court noted in a footnote  
18 that "two amici curiae have briefed another question arising  
19 from ACCA's occasion clause, whether the Sixth Circuit requires  
20 that a jury rather than a judge resolve whether prior crimes  
21 occurred on a single occasion. We did not address that issue  
22 because *Wooden* did not raise it," end of quote.

23 As I understand it, the DOJ policy is to err on the  
24 side of caution and submit the question to the jury.

25 As I understand it, the Defense objects, and this

1 relates to the paragraph -- the second page of possession of a  
2 firearm by a convicted felon instruction, the paragraph in  
3 italics proposed by the Government that begins with "the  
4 indictment further alleges."

5 Do the parties still disagree on this issue?

6 MR. SCHUMACHER: Yes.

7 MRS. CHASE: Yes, your Honor.

8 THE COURT: If I could briefly have you be heard. I  
9 think this is the last instruction to which there is any  
10 disagreement. So, from the Government.

11 MRS. CHASE: Thank you, your Honor. In essence, the  
12 United States submits that the recent opinion in Wooden, which  
13 the Court just cited, removes this from the narrow exception of  
14 Almendarez-Torres, 523 U.S. 224, which is a 1988 Supreme Court  
15 case.

16 That case has suggested that sentencing judges in very  
17 limited exceptions, previously including the Armed Career  
18 Criminal enhancement under Title 18 United States Code, Section  
19 924(e), sentencing judges could find enhancing factors and not  
20 have that fact found by the jury.

21 We submit that because of the Wooden case the Armed  
22 Career Criminal enhancement has been removed from that narrow  
23 exception and is now among the enhancing penalties that must be  
24 found by the finder of fact under Apprendi versus New Jersey,  
25 530 U.S. 466, a 2000 Supreme Court case, because it increases



1 the statutory maximum punishment -- or rather minimum  
2 punishment under Apprendi, but it also increases -- I am sorry,  
3 your Honor, we are just arguing Apprendi here -- because the  
4 Armed Career Criminal Act establishes a mandatory minimum term  
5 of imprisonment of 15 years.

6 Now, we do acknowledge that the Defendant stipulated  
7 to three separate convictions having been committed on  
8 occasions separate from one another, but we submit that that  
9 would be akin to a defendant stipulating to any other enhancing  
10 facts, such as the quantity of the drugs.

11 For example, if we had charged the Defendant with  
12 possessing five kilograms or more of cocaine, that would  
13 subject him to an enhanced mandatory minimum penalty, and that  
14 would be a fact that, under Apprendi, would have to be found on  
15 a special verdict form by the jury.

16 Here, having charged him with having violated the  
17 Armed Career Criminal Act, even though he has stipulated to it,  
18 we submit that now this is something that must be found by the  
19 jury, and we still request both this instruction and a special  
20 verdict form, even though it should be easy for the jury to  
21 find it based on the Defendant's stipulation.

22 THE COURT: It looks like both of you agree to the  
23 verdict form, and there is a question under Count 4 that says:  
24 We, the jury, having found the Defendant guilty of the offense  
25 charged in Count 4, further find that he possessed the firearm

1 after having had at least three previous convictions for  
2 offenses committed on occasions different from one another.

3 I will let the Defense be heard, but one of the  
4 questions I have is, without an instruction on that, might that  
5 not be confusing for the jury to have that as part of the  
6 verdict form?

7 MR. SCHUMACHER: Judge, I stand by the pattern.  
8 Secondly, I think it causes undue attention to the fact that  
9 Mr. Boone otherwise qualifies for ACCA consideration, and it is  
10 essentially browbeating the jury with the facts necessary to  
11 say, hey, he has these three prior convictions, when it is  
12 accounted for within the verdict form and the pattern still  
13 stands and hasn't been amended since Wooden.

14 I would ask --

15 THE COURT: Is that a pattern verdict question for  
16 Count 4?

17 MRS. CHASE: The portion --

18 THE COURT: That reads about he has at least three  
19 previous convictions?

20 MRS. CHASE: That is not part of the pattern, your  
21 Honor.

22 THE COURT: So you all are proposing that. It is not  
23 really a pattern then, it is a requested special by both sides  
24 agreeing.

25 My question would be, generally, with every question

1 on a verdict form we ideally would like an instruction to go  
2 along with it so the jury knows what to do. So, how would we  
3 be asking the jury to fill that question out without having any  
4 kind of instruction on it. Do you want to think about that?

5 MR. SCHUMACHER: We need to think about that, Judge.

6 THE COURT: Okay. We'll hold that -- it seems like  
7 that is the remaining issue and we will hold it in abeyance to  
8 revisit again.

9 Can I ask about the verdict form? It seems as if  
10 nobody has opposed any aspect of the verdict form, although  
11 Defense may want to continue to ponder Count 4, the portion I  
12 just read.

13 Am I correct to assume that at least as it has been  
14 submitted the parties agree to the verdict form?

15 MR. SCHUMACHER: Yes, your Honor.

16 MRS. CHASE: Yes, your Honor.

17 THE COURT: Okay. We'll revisit the proposed added  
18 language in the possession of a firearm by a convicted felon by  
19 the Government in conjunction with what role that plays  
20 vis-a-vis the second part of the verdict form for Count 4.

21 Let me give you a chance to grab some lunch. I'm  
22 sorry, you have Gittens next?

23 MRS. CHASE: Yes, your Honor.

24 THE COURT: And Cohen, and Finnamore is available if  
25 we need him?

1 MRS. CHASE: Yes. We should easily reach Finnamore by  
2 2:30ish.

3 THE COURT: Okay, great.

4 MRS. CHASE: Thank you, your Honor.

5 (Thereupon, a luncheon recess was taken.)

6 THE COURT: All right. We will bring our jurors in.

7 (Thereupon, the jury returned to the courtroom).

8 THE COURT: Welcome back, everyone, you may be seated.

9 We can swear our next witness in.

10 LA'NISHA GITTENS, GOVERNMENT'S WITNESS, SWORN

11 THE COURTROOM DEPUTY: Adjust the mike and speak  
12 clearly into it. State your full name for the record and spell  
13 your last name for the Court Reporter.

14 THE WITNESS: La'Nisha Gittens, G-I-T-T-E-N-S.

15 DIRECT EXAMINATION

16 BY MRS. CHASE:

17 Q. Where are you employed?

18 A. I'm currently employed by PBSO, which is also known as the  
19 Palm Beach County Sheriff's Office, in the forensic biology  
20 unit.

21 Q. What is your role in the forensic biology unit?

22 A. I am a forensic scientist specializing in both serology and  
23 DNA analysis.

24 Q. How long have you been a forensic scientist?

25 A. About six years.

Pauline A. Stipes, Official Federal Reporter

1 Q. Prior to becoming a forensic scientist at PBSO, where were  
2 you employed?

3 A. I was previously employed with GBI, the Georgia Bureau of  
4 Investigation, located in Georgia.

5 Q. What did your job at the Georgia Bureau of Investigation  
6 entail?

7 A. I was a criminal scientist II, specializing in serology as  
8 well as some formal duties of the daily processing.

9 Q. Can you explain to the jury what serology is?

10 A. Serology is the examination of evidence for biological  
11 fluids from the human body such as blood, semen, or saliva.

12 Q. Can you explain to the jury your educational background,  
13 please?

14 A. I have a Bachelor of Science with a concentration in  
15 biology from Fayetteville State University which is located in  
16 Fayetteville, North Carolina.

17 Q. Beyond your Bachelor's Degree, have you received any  
18 specialized training in the field of forensic DNA analysis?

19 A. Yes. I have received both internal as well as external  
20 training. My training included mock depositions, mock trials,  
21 question and answering sessions, written examinations,  
22 proficiency testing, protocol session greetings, and we also  
23 had some meetings as well.

24 Q. Now, with respect to your internal training at PBSO, how  
25 was that structured? Was it broken down into modules?

1 A. Yes, we had two modules, where the first module focuses on  
2 the lab processing part of the analysis, and the second part  
3 focuses on interpretation.

4 Q. And in total, how long do those two modules last?

5 A. Approximately two years.

6 Q. All right. So, let's start with module one. You said that  
7 that was the portion of your training that pertained to the  
8 in-lab part of your position?

9 A. Yes, that is correct.

10 Q. And can you explain the training you underwent to the jury,  
11 please?

12 A. So the initial training, module one, the lab processing, is  
13 one of the first four steps of the DNA process. So, the first  
14 module focuses on the lab processing, and that is the first  
15 four steps of the DNA process. From there, we are going over  
16 the protocols of procedures, as well as evidence handling.

17 Q. And approximately how long did module one last?

18 A. Module one lasted a little bit over six months.

19 Q. And we'll revisit this, but can you explain to the jury  
20 what the four steps of the DNA process are?

21 A. Yes. So, the first step of the DNA process is called  
22 extraction, and it is just as the name states, we are  
23 extracting or removing the cells from any evidentiary items.  
24 This is where the DNA is located, is within the cells.

25 From there, you move to the second step which is called

1 quantification. It's as the name states as well, quantity, so  
2 you are thinking of a number. This is where you actually  
3 decipher how much DNA is located within a sample, as well as is  
4 it of human origin.

5 The third step is amplification, also as the name states,  
6 you're amplifying or increasing the amount of DNA you have in  
7 the sample. This is also where you can kind of consider it to  
8 be a genetic Xerox machine.

9 Then you have the fourth step, which is detection. This is  
10 where you actually generate the DNA profile, and is going to  
11 look similar to an EKG where there are peaks and numbers that  
12 are formed and that is where your DNA profile is created.

13 Q. You explained that module two of your internal training  
14 pertained to interpretation of the results that you generated  
15 in the lab?

16 A. Yes.

17 Q. How long did your module two training last?

18 A. Module two training lasted about a year.

19 Q. What did the module two training entail?

20 A. Module two is actually where we look into interpretation,  
21 so we are actually examining or looking at this EKG that would  
22 have been created from that fourth step of the DNA process,  
23 which was detection.

24 From there, you look at the profile that is generated,  
25 remove anything that is not of true origin to the DNA profile.

1 From there, you go to use it to determine the number of  
2 contributors that may be in the sample, as well as moving  
3 forward with comparisons.

4 Q. And what happened at the conclusion of your training?

5 A. At the conclusion of my training, I was authorized to be an  
6 independent case worker where I was able to actually author and  
7 generate reports.

8 Q. Did you have to pass any exams or practicals in order to be  
9 authorized?

10 A. Yes. I have to pass a series of both modules, which  
11 included the examinations of each portion, as well as an  
12 extensive final written examination, as well as a mock trial.

13 Q. And so, what does successful completion of this training  
14 indicate?

15 A. This means that I am authorized to author and independently  
16 work on case work. So I am able to generate my own thoughts  
17 and ideas on the DNA profiles and then create my reports and  
18 testify in court to my findings.

19 Q. When did you successfully complete your training so that  
20 you were authorized to do those things?

21 A. February 2022.

22 Q. And after being authorized to conduct your own case work,  
23 were you later authorized to review your colleagues' work?

24 A. Yes, I was.

25 Q. And what did that process of becoming authorized to review



1 your colleagues' work entail?

2 A. That included me actually peer reviewing other authorized  
3 analyzed case work, which includes the examination over all the  
4 paperwork documentation that would be included in the case  
5 file, checking for any errors, which can include grammatical  
6 errors, as well as to ensure that the analyst was following all  
7 the procedures that are within the laboratory. These  
8 procedures are in place to make sure that the analyst followed  
9 all the guidelines for our testing methods in an efficient  
10 manner.

11 I am also able to review numerous samples and then another  
12 authorized technical reviewer is to review my work to make sure  
13 that I did catch anything that may have been a mistake, and  
14 from there, once I have successfully completed a certain amount  
15 of samples or a certain amount of reports, I was then  
16 authorized to be a technical reviewer.

17 Q. Within this technical review process, is that a way of  
18 doing peer review within the PBSO lab?

19 A. Yes.

20 Q. What is the reason of that peer review?

21 A. That's to ensure that they are following all of the  
22 guidelines for accurate and reliable testing.

23 Q. A form of quality control?

24 A. Yes.

25 Q. And how does this ensure the accurate and reliable testing?

1 A. Prior to being authorized in certain technical methods that  
2 we are using, we do a process of checking to ensure that our  
3 samples are working. So, by having this process, we make sure  
4 the analysts are also following these rules and guidelines. We  
5 actually are checking to make sure we are following our own  
6 rules that we set in place for ourselves.

7 Q. At the PBSO lab is it protocol to do this checking of  
8 others' work at various steps in the DNA process?

9 A. Yes. Throughout the process, we do have something called a  
10 secondary reviewer, and that is where another analyst will  
11 check and to ensure that any time DNA is moved from one sample  
12 to another, that it is checked to make sure it is moved to the  
13 correct location.

14 Q. How do you stay current in your field?

15 A. I attend both scientific meetings within the field across  
16 the nation, as well as I participate in meetings within our  
17 unit, as well as I am also staying current with my own personal  
18 meetings in the field.

19 Q. And how many forensic DNA analyses have performed as a  
20 qualified examiner?

21 A. Well over a hundred.

22 Q. Have you testified in court or other legal proceedings as a  
23 DNA expert?

24 A. Yes, I have.

25 Q. Can you explain those to the jury, please?

1 A. I have testified in the realm of DNA analysis twice, I have  
2 also been deposed five times in DNA analysis, and I have been  
3 authorized as -- for a hearing twice as well for DNA analysis.

4 MRS. CHASE: Your Honor, at this time the United  
5 States submits Ms. Gittens as an expert in DNA analysis.

6 MR. SCHUMACHER: No objection, your Honor.

7 THE COURT: All right. Ms. Gittens is deemed by the  
8 Court to be an expert in DNA forensic analysis.

9 MRS. CHASE: Thank you, your Honor.

10 BY MRS. CHASE:

11 Q. Now, Ms. Gittens, we have been using this acronym DNA. Can  
12 you explain to the jury what that stands for?

13 A. Of course. DNA stands for deoxyribonucleic acid and DNA is  
14 basically your genetic fingerprint or your genetic serial  
15 number. The only person who would have the same DNA profile as  
16 yourself is your identical twin. You get one half from your  
17 mother and the other half from your father, and what happens is  
18 you get two pieces of information, one from each, and that  
19 series of numbers is what creates the DNA profile. That is why  
20 it appears to be a serial number.

21 Q. In what cells of the human body is DNA stored?

22 A. DNA is found throughout the human body and through various  
23 cells. This can be the cells found in your skin which we call  
24 epithelial cells or skin cells, also in hair, blood, saliva,  
25 sweat, and throughout various human body fluids.

1 Q. Because DNA can be contained in the skin cells, etc., if  
2 you touch surfaces, can you potentially leave your DNA behind?

3 A. Yes, you can.

4 Q. Now, with respect to items that might have those traces of  
5 DNA, what kinds of items can be tested for that?

6 A. Various items can be tested as long as the item itself can  
7 be swabbed or any of the DNA can be removed from that sample.  
8 So, if you have a smooth surface, the DNA can also be removed  
9 from it using two sterile swabs, and you can actually swab the  
10 item and remove the DNA off of it.

11 Q. If we were to try to test this lectern for DNA, we would  
12 use sterile swabs to swab the surface?

13 A. Yes, along with water, and that would help to lift or  
14 remove the DNA off the surface and place it onto the swab.

15 Q. With respect to a particular person's DNA profile, I  
16 believe you said it is like a serial number; is that right?

17 A. Yes.

18 Q. Because it is unique to that person, absent an identical  
19 twin, is that how DNA is used to distinguish people from one  
20 another?

21 A. Yes.

22 Q. All right. So, can you explain to the jury what a DNA  
23 profile is?

24 A. A DNA profile is a series of numbers found throughout  
25 various locations that are unique to you, so it is more than

1 one set of numbers that is being used. And specifically for  
2 PBSO we use a total of 27, and that is 27 different areas or  
3 different sets of number that we look at to help identify a  
4 person.

5 Q. So, let's say a serial number were ten digits, each  
6 placement of those ten figures would be a location?

7 A. Yes.

8 Q. So, PBSO is testing for 27 different locations in that  
9 serial number?

10 A. Yes.

11 Q. So it is akin to a 27-digit serial number?

12 A. Yes.

13 Q. How do you develop a DNA profile?

14 A. Using the first four steps in the DNA process, which would  
15 include both the extraction, quantification, amplification and  
16 detection, that is how you generate the DNA profile, and then  
17 we move back to our desk and actually create it into a nicer  
18 chart which is easier to read.

19 Q. These are the first four steps you described earlier in  
20 your testimony?

21 A. Yes.

22 Q. I would like to break those down again. I believe the  
23 first one was extraction; am I correct?

24 A. Yes.

25 Q. Can you explain again to the jury what extraction entails?

1 A. Yes. Extraction is where you are going to remove or  
2 extract the cells, or the DNA from the cells, and this is the  
3 removal and that is where your DNA profile is actually being  
4 held. Then you move over to quantification, which you are  
5 going to determine how much DNA is in the sample. If it is of  
6 human origin, then you move to amplification, which is the  
7 third step. That is where you are going to amplify or increase  
8 the amount of DNA that is already present in the sample and  
9 create millions and millions of copies.

10 Then you move to the fourth step, which is detection, and  
11 that is where your DNA profile will be generated, and that  
12 looks similar to an EKG where the peaks are forming, and every  
13 peak has a number assigned to it. Those numbers are what you  
14 get one half from your mother and the other half from your  
15 father.

16 Q. During that third step where you are creating millions of  
17 copies, is that altering the actual DNA in any way?

18 A. No. It is simply making copies of what is already present  
19 in the sample.

20 Q. What is the purpose of needing to generate those millions  
21 of copies?

22 A. We want to ensure that we have enough DNA to generate this  
23 EKG, so the more DNA you have is a better chance you have of  
24 detecting DNA in the samples. You are increasing it to make  
25 sure that everything is above the certain levels that you can

1 actually have a DNA profile.

2 Q. Is this four-step process the same for a swab taken from an  
3 item, as well as a swab taken from inside the cheek, say, of a  
4 person?

5 A. Yes.

6 Q. With respect to swabs taken from items, are those referred  
7 to as unknown samples?

8 A. Yes, and that is because the source is unknown.

9 Q. And flip-flopping to a swab taken from the inside of a  
10 person's cheek, what is that referred to?

11 A. That is referred to as a known or oral standard.

12 Q. So, where you have both unknown and known samples, or an  
13 unknown sample and a known standard, how do you identify whose  
14 DNA is on that particular item?

15 A. So, this is where it is done during the interpretation  
16 stage, and it is simply a matching game. So, you are going to  
17 have a DNA profile generated from the unknown source and  
18 compare it to the DNA profile generated by the known source.

19 You are simply comparing the numbers from the known to the  
20 numbers from the unknown sample, and from there you are able to  
21 go down to the 27 different areas and see throughout the 27  
22 different areas if the numbers are the same from the person  
23 that you are comparing to the unknown evidence.

24 Q. So, in other words, the DNA profile from any given item is  
25 only useful if it matches a known standard to which it is being

1 compared?

2 A. Yes.

3 Q. Can you explain to the jury what a mixture is?

4 A. A mixture is similar to -- as the name states, it is a mix  
5 of multiple individuals. So, if you were to have a DNA profile  
6 where throughout the profile there are only two pieces of  
7 information, or two numbers throughout the profile, you would  
8 assume it is no more than one person in a sample.

9 A mixture is where you may have more than two pieces of  
10 information at a location, and that is indicative of multiple  
11 contributors or multiple individuals. That is what a mixture  
12 is, more than one person in a sample.

13 Q. You mentioned this phrase contributors earlier in your  
14 testimony. Can you further identify what you mean by a  
15 contributor?

16 A. A contributor is the equivalent of an individual, how many  
17 individuals or contributors are in a sampler, so how many  
18 people are contributing to this DNA profile.

19 Q. When you generate these profiles, how do you conduct the  
20 interpretation phase?

21 A. The interpretation phase is determined from me determining  
22 the number of contributors first, and this is after I have  
23 already gone through the sample and removed anything that is  
24 not true to the profile. After determining the number of  
25 contributors, I am able to start comparing a -- by comparing I



1 mean looking at both the known standard to the unknown profile  
2 and/or I will use a software program to help me separate out  
3 the mixture if it is too difficult for me to do it by myself,  
4 meaning that there are multiple individuals to a DNA profile  
5 and it is too hard for me to do it by myself. Then I use  
6 software to help me separate out the contributors to the  
7 mixture.

8 Q. Now, with respect to mixtures and contributors, is it  
9 possible for DNA to be transferred from any given item to the  
10 next?

11 A. Yes.

12 Q. In your expertise, would you expect DNA that is transferred  
13 from two separate items, one to the next, to have a strong  
14 amount of DNA on it?

15 MR. SCHUMACHER: Objection to the form of the  
16 question. It asks for a legal opinion, but it is not framed  
17 that way.

18 THE COURT: Can you rephrase the question?

19 BY MRS. CHASE:

20 Q. You are an expert in the field of DNA analysis, correct?

21 A. Yes.

22 Q. Understanding that if two items were next to each other, I  
23 believe you testified that it is possible for DNA to rub onto  
24 the next item, correct?

25 A. Yes, given that there may be a person actually involved

1 touching those two items up against each other, yes.

2 Q. I am talking about the items touching each other, not a  
3 person touching one item and then touching the second item.

4 A. Yes, depending on how much the friction is between the two  
5 items, yes.

6 Q. Would you, in your expertise, expect there to be a  
7 significant amount of DNA transferred in this manner?

8 A. It is possible, yes.

9 Q. Okay. What does it mean to be excluded from a DNA profile?

10 A. To be excluded from a DNA profile means that an individual  
11 or contributor is not actually contributing to the unknown DNA  
12 profile. By this it means that while I am comparing and  
13 looking at these 27 different areas of a DNA profile a person  
14 is not matching at one or more locations, meaning they cannot  
15 be a contributor to the DNA profile that I am comparing to.

16 Q. If they are excluded, they are removed?

17 A. Yes.

18 Q. What about when an individual is not excluded?

19 A. If an individual is not excluded that means they  
20 match multiple areas within that unknown DNA profile, which  
21 means they could be a possible contributor to the DNA profile  
22 from the unknown sample.

23 Q. If you have both unknown samples and known standards, do  
24 you process them in a certain order?

25 A. Yes. Throughout the DNA process unknowns are tested

1 separately from the known or reference standards. This is to  
2 ensure that there is no cross contamination between the two.  
3 From the beginning steps of extraction the samples are tested  
4 in different areas, typically by different analysts at  
5 different times. Between each sample the scissors or anything  
6 we are using as far as utensils are cleaned between each  
7 sample. They are also tested on different instruments to  
8 ensure there is no cross contamination.

9 While we're moving forward with the second and third and  
10 fourth steps of the process the unknown samples have a certain  
11 amount of space between positions before they go on the  
12 instrument or on the plates. That way it prevents any sort of  
13 cross contamination between the two.

14 Q. When you are testing DNA in that manner, are you wearing  
15 personal protective equipment?

16 A. Yes, and that is referred to as PPE. PPE is where the  
17 analyst or forensic scientist or myself may wear protective  
18 equipment, and this includes a bonnet cap, goggles, a face  
19 mask, gloves, as well as a lab coat.

20 Q. When you said the utensils are being cleaned, what sort of  
21 cleaning agent are you using?

22 A. We are using alcohol to clean each of our the utensils,  
23 which includes scissors or any sort of tweezers.

24 Q. And these are various protocols put in place by PBSO to  
25 prevent contamination?

1 A. Yes.

2 Q. Do you also use any blank controls to make sure that the  
3 process is going properly?

4 A. Yes, and this is to monitor the samples throughout the  
5 process, from the beginning steps of extraction until the final  
6 step of detection. This is monitoring the reagent to make sure  
7 it is free and clear of any DNA. This is to ensure that while  
8 I am making the reagent, which is typically referred to as a  
9 mass mix that goes into every sample, it's to ensure that what  
10 that reagent is, it is clean so it is not affecting the DNA  
11 profile.

12 From there, the sample is a blank, so it is just reagents,  
13 no DNA, and through the entire process it needs to remain clean  
14 and free of DNA. If at any point in time there is any sort of  
15 value or DNA found in the sample, the process is to be  
16 terminated and we trouble shoot to figure out at what point in  
17 time anything may have contaminated the sample.

18 Q. Do you follow these procedures for each and every swab that  
19 you process?

20 A. Yes.

21 Q. When you receive a sample, how is the sample packaged?

22 A. The sample is packaged depending on the sample itself.  
23 Typically, we receive evidence in brown paper bags and this is  
24 to allow the DNA to breathe and prevent any sort of mold that  
25 may grow on an item.

1 Q. Is that package sealed?

2 A. Yes. It is typically sealed from the individual collecting  
3 the item, and the seal will include their initials as well as  
4 the date.

5 Q. Does the PBSO lab receive samples from multiple different  
6 agencies within the community?

7 A. Yes.

8 Q. Have the DNA procedures used by about PBSO been  
9 scientifically validated?

10 A. Yes, both internally and externally.

11 Q. Is that external validation actually an accreditation?

12 A. Of sorts, yes, depending on the reagents or the software  
13 programs used. The external validation I am referring to is  
14 from the company themselves creating a developmental validation  
15 for that sample.

16 Now, as far as the other portion of the question, that  
17 would refer to the accreditation or the accrediting body that  
18 we use, which PBSO is accredited, and that's by ANAB, which  
19 stands for ANSI National Accreditation Board. The accrediting  
20 body is there to make sure we are processing the steps using  
21 accurate and reliable testing methods.

22 Q. Is ANSI spelled A-N-S-I?

23 A. Yes, it is.

24 Q. How long has the PBSO crime lab been accredited?

25 A. Since 1991.

1 Q. Is the PBSO crime lab audited regularly?

2 A. Yes, both internally and externally every year.

3 Q. So, I would like to draw your attention to this case. In  
4 2022, did you receive any items related to West Palm Beach case  
5 number 22-3076?

6 THE WITNESS: Your Honor, is it okay if I refer to my  
7 report?

8 THE COURT: Any objection?

9 MR. SCHUMACHER: If she needs to, your Honor.

10 THE COURT: You may.

11 THE WITNESS: Thank you.

12 Yes, I did receive items from that case number.

13 BY MRS. CHASE:

14 Q. Now, you described to the jury a four-step process earlier  
15 of extraction, quantification, amplification and detection. At  
16 what point in that process did you participate in this case  
17 number?

18 A. I would have started participation in the fourth step,  
19 which is detection.

20 Q. Who performed the first three steps?

21 A. It would be another authorized case work analyst, and that  
22 is forensic scientist Todd Cohen.

23 Q. Nevertheless, were you advised of what he had produced  
24 during those first three steps?

25 A. Yes, because it is all documented within our case file.

1 Q. And is that also going back to the peer review process we  
2 discussed earlier?

3 A. Yes.

4 Q. All right. Now, with respect to your participation in the  
5 fourth step of detection, did you recover sufficient DNA from  
6 items submitted in this case to produce DNA profiles?

7 A. Yes.

8 Q. And in this matter, did you receive both known standards  
9 from individuals as well as unknown samples from various items?

10 A. Yes.

11 Q. All right. So, I would like to first show you what I have  
12 previously identified as Government Exhibit -- or marked for  
13 identification, rather, as Government Exhibit 30-B.

14 Do you recognize this?

15 A. Yes, I recognize it because of my initials, date and the  
16 time that is stamped on the sheet.

17 Q. What is it?

18 A. This is that chart that I described earlier that will  
19 generate the DNA profile. It is organized in a clean manner,  
20 and everything you see to the left are the 27 different  
21 locations, and everything you see as far as those numbers is  
22 numbers that are generated for each individual.

23 Q. Who were the three individuals for whom you received known  
24 standards?

25 A. I received standards from Kevin Gibson, Roger Williams, and

1 Willie Boone.

2 Q. And does Government Exhibit 30-B depict the DNA profiles  
3 for each of those three individuals?

4 A. Yes.

5 MRS. CHASE: Your Honor, I move to admit Government  
6 Exhibit 30-B.

7 MR. SCHUMACHER: Objection as to foundation. There  
8 has been absolutely no testimony how as to these numbers  
9 originated. It is based on hearsay.

10 THE COURT: Do you want to inquire further of the  
11 witness?

12 MRS. CHASE: Your Honor, I believe she just testified  
13 to the four-step process that was used to generate these three  
14 profiles. Additionally, we would argue that it is not hearsay.  
15 This is the medical data of these various individuals, and in  
16 particular Mr. Willie Boone.

17 MR. SCHUMACHER: Judge, there is absolutely no  
18 evidence before this Court about how these numbers originate,  
19 about what process is used in order to get that, about any of  
20 the scientific methodology behind producing a set of random  
21 numbers on the page.

22 THE COURT: I will let counsel briefly voir dire the  
23 witness on this issue.

24 MRS. CHASE: I am happy to ask her the questions, your  
25 Honor.



1 THE COURT: Okay.

2 BY MRS. CHASE:

3 Q. All right. Now, Ms. Gittens, you testified earlier that  
4 there are 27 different locations of a profile that you test  
5 for; is that correct?

6 A. Yes, it is.

7 Q. And with respect to the three profiles that were generated,  
8 were you actually able to generate each of those 27 locations  
9 for these three individuals?

10 A. Yes, I was.

11 Q. And how were these DNA profiles produced in this case?

12 A. These DNA profiles were generated using the four-step  
13 process in the laboratory, which included extraction, removing  
14 the DNA from the source or the sample or the swab. It is then  
15 moved into quantification when determining how much DNA is  
16 present in the sample and if it is of human origin.

17 Then I move them to the third step, which is amplification,  
18 which is making millions and millions of copies of the same DNA  
19 profile which is present from the sample, and then move to  
20 detection.

21 Detection is when it is going to create the EKG or that  
22 chart which is creating those peaks. Each peak is associated  
23 with a number, which is the number that you see on the chart.  
24 The numbers are where you are getting one half from your mother  
25 and one half from your father. So, these numbers are generated

1 from your inheritance from your mother and your father and it  
2 is unique to that individual unless they have an identical  
3 twin.

4 Q. And you testified that forensic scientist Todd Cohen  
5 performed the extraction, quantification, and amplification for  
6 these three known standards?

7 A. Yes.

8 Q. During the detection phase where you were visualizing the  
9 peaks and valleys, did that produce, again, enough information  
10 for each of the 27 locations for each of these three  
11 individuals?

12 A. Yes.

13 Q. How did you then transform those peaks to these known  
14 numbers on the three DNA profiles?

15 A. So, once the information is removed from the instrument,  
16 you place them into a simple computer file. From there, that  
17 file is inserted into a software program that makes it look  
18 very neat and clean and that is where you are actually seeing  
19 these peaks.

20 From there, instead of having the peaks be placed into the  
21 case file, it goes into an Excel spreadsheet, and that is why  
22 you see these numbers form this way versus seeing these peaks  
23 on the egram, as we call it.

24 Q. All right. Within the 27 locations on these profiles, if  
25 we were to see two numbers represented, can you explain to the

1 jury why those two numbers would be there?

2 A. Yes. Those two numbers would be there because you have one  
3 number from your mother and the other number from your father.  
4 If an individual only has one number at a location, that is  
5 because you received that same number from both your mother and  
6 your father, which means that both your mother and your father,  
7 for instance, may have the number 14.

8 Q. And again, you followed all of the PBSO protocols in  
9 generating these three profiles?

10 A. Yes, which is common in the field as well.

11 Q. And those protocols have standards to ensure that there is  
12 no contamination of the swabs themselves?

13 A. Yes.

14 MRS. CHASE: Your Honor, at this time I move to admit  
15 Government Exhibit 30-B which depicts visually this same  
16 information.

17 THE COURT: Any further objection?

18 MR. SCHUMACHER: Yes, Judge, as it relates to  
19 foundation. Further, it is calling for hearsay. It is  
20 inferred that she did not participate with Mr. Cohen in  
21 obtaining the originating data that was used to create  
22 Government Exhibit 30-B.

23 There is no generic information before the Court that  
24 allowed any meaningful cross-examination in that respect, nor  
25 is there any organic documents that support this summary chart.

1 THE COURT: I am going to overrule the objection.  
2 30-B is admitted over objection.

3 (Whereupon Government Exhibit 30-B was marked for  
4 evidence.)

5 MRS. CHASE: Permission to publish.

6 THE COURT: You may.

7 BY MRS. CHASE:

8 Q. All right. Ms. Gittens, so we can now see 30-B before the  
9 jury. I am going to zoom in a little bit. I see here at the  
10 top of Government Exhibit 30-B three colors over the right  
11 three columns. There is blue, and green and then red.

12 Can you explain those colors to the jury?

13 A. Yes. Those are the colors that I use that I would have  
14 assigned to each individual.

15 Now, it could have been any color, it's just that those  
16 were the highlighters that I had at the time. I associated the  
17 blue with the 1S submission, the green with the 2S submission,  
18 and the red with the 3S submission.

19 Q. Who was the 1S submission to whom you assigned the color  
20 blue?

21 A. That would be for Kevin Gibson.

22 Q. Kevin Gibson's DNA profile is depicted all the way down  
23 that column?

24 A. Yes.

25 Q. To whom did you assign the color green for submission S2?

1 A. That would be Mr. Roderick Williams.

2 Q. And finally, to whom did you assign the color red for  
3 submission 3S?

4 A. That would be a Mr. Willie Boone.

5 Q. And directing your attention to the left-hand column, are  
6 these the 27 locations of DNA for which the PBSO lab tests?

7 A. Yes.

8 Q. And for which you, with the assistance of your colleague,  
9 Todd Cohen, tested in this case?

10 A. Yes.

11 Q. To be clear, Mr. Cohen may have assisted with the first  
12 three steps, but were you solely responsible for the  
13 interpretation in this matter?

14 A. Yes, and that is something we commonly do within our  
15 laboratory, as well as other labs. We do work in a team  
16 approach, and by this, the author of the report is the person  
17 who inherits the lab work, however, I also still participated  
18 in the lab work portion in this case file for detection.

19 Q. On this far right column, this is Willie Boone's DNA  
20 profile, this is his digital or DNA serial number?

21 A. Yes.

22 Q. I see here, for example, on the column D1S 1656 that there  
23 are two numbers.

24 Now that the jury can visualize this, can you explain to  
25 tjem why there are two numbers depicted there?

1 A. Yes. The two numbers represent one number being from your  
2 mother and the other number from your father.

3 Q. For Mr. Boone there could never be three numbers there?

4 A. That is correct, because three numbers would be indicative  
5 of another individual, which would then determine the number of  
6 contributors for that sample would be two.

7 Q. And so, you start to see more numbers potentially when you  
8 are looking at the DNA profile generated from swabs taken from  
9 items?

10 A. Yes, typically with unknown items.

11 Q. Okay. And again, each of these 27 locations has a  
12 particular name associated with it?

13 A. Yes.

14 Q. And is it safe to say there is a lot of science underlying  
15 the naming of each of those 27 locations?

16 A. Yes.

17 Q. For our purposes today, we don't need to get into what each  
18 of those represents?

19 A. That is correct.

20 Q. It is just another location where the individual's serial  
21 number can be detected?

22 A. Yes, and you can kind of use an example of having a puzzle.  
23 If you have multiple pieces of a puzzle, you can create a whole  
24 image. If you are missing pieces of a puzzle you obviously  
25 cannot create an image. So, that is basically why we use so

1 many areas to help get a clear picture of the individual.

2 Q. In addition to the known standards that you received here  
3 depicted in Government Exhibit 30-B, you also processed and  
4 interpreted results for swabs taken from items in this matter,  
5 did you not?

6 A. I did.

7 Q. And I believe that you refer to those by their submission  
8 numbers; is that correct?

9 A. Yes.

10 Q. Having processed and interpreted those various submissions,  
11 were you actually able to determine a DNA profile for various  
12 items?

13 A. Yes.

14 Q. And let's walk through each of those submissions.

15 So, I believe that with respect to our purposes here today,  
16 there were a total of six submissions from known -- or unknown  
17 items, rather -- known items, but unknown DNA profiles that you  
18 reviewed in this case; is that correct?

19 A. Yes. There was a total of seven.

20 Q. Okay. Let's start with submission 4-A.

21 A. So, submission 4-A would be two swabs of grip and this is  
22 from a Glock pistol.

23 Q. And were you given the serial number from which the swab,  
24 or swabs, rather, were taken?

25 A. Yes, and the serial number is PHK028.

1 Q. And using those steps that you described for the jury  
2 earlier, were you able to generate a DNA profile from that  
3 item?

4 A. Yes.

5 Q. All right. Turning to submission 4-B.

6 A. For submission 4-B, that is two swabs of slide, and this is  
7 from the Glock pistol with the serial number PHK028.

8 Q. And having generated the four steps we discussed  
9 previously, or having gone through the four steps we discussed  
10 previously, were you able to generate a DNA profile from that  
11 item?

12 A. Yes, I was.

13 Q. Was it sufficient for comparative analysis?

14 A. It was not.

15 Q. Why not?

16 A. Due to the amount of individuals notated for the sample, I  
17 could not conclusively actually exclude or include an  
18 individual to the sample. By that it means there were multiple  
19 pieces of information missing, but you could not actually  
20 assign it to a contributor.

21 Q. Submission 5-A, without discussing where that was obtained,  
22 do we agree that that didn't even make it past the  
23 quantification phase?

24 A. That is correct.

25 Q. The quantification phase is the second part of that



1 four-step process, correct?

2 A. Yes, we are determining how much DNA is present in the  
3 sample and if it is of human origin.

4 Q. If it is thrown out at that stage, what does that mean?

5 A. That means there was not a sufficient amount of DNA present  
6 to even move forward with the rest of the process, and that is  
7 through our validation where we have a limit that tells us,  
8 hey, if it doesn't move -- or does not meet this certain amount  
9 you actually are not going to obtain a DNA profile later on.

10 So, if we have any samples that are below this number, we  
11 know from our studies that it is not going to survive a DNA  
12 profile, therefore we hold the process then, and keep the  
13 sample and store it for any additional analysis maybe later on  
14 in the process, but it is not enough to move forward with the  
15 analysis.

16 Q. The same thing happened with respect to submission 5-B and  
17 C?

18 A. Yes.

19 Q. In other words, they did not proceed beyond the  
20 quantification step of the process?

21 A. Yes.

22 Q. With submission 6-A, where was that submission taken from?

23 A. That would be two spots on the grip, and that is from the  
24 Springfield Armory pistol with the serial number S3952958.

25 Q. And were you able to generate a DNA profile from that swab?

1 A. Yes, I was.

2 Q. Was that DNA profile actually sufficient for comparative  
3 analysis?

4 A. It was.

5 Q. And finally, with submission 6B, where was that obtained?

6 A. That would be two swabs of slide from the Springfield  
7 Armory pistol with the serial number S3952958.

8 Q. And were you able to generate a DNA profile from those  
9 swabs?

10 A. I was.

11 Q. Were those results sufficient for comparative analysis?

12 A. They were not, they were also inconclusive.

13 Q. All right. So, having generated the DNA profiles from the  
14 grip of the Glock, the slide of the Glock, the grip of the  
15 Springfield Armory, and the slide of the Springfield Armory,  
16 did you then proceed to interpret those results?

17 A. I did.

18 Q. And can you explain that interpretive analysis that you  
19 undertook in this case to the jury?

20 A. Yes. So, as previously stated with the lab processing, the  
21 unknowns are done prior to the knowns, which means that I would  
22 also interpret, or create the DNA profile starting with the  
23 unknowns before I move forward with the known samples.

24 As I stated before, I created the four steps of the  
25 process, and that fifth step where I do the interpretation and

1 I am looking at this EKG or this chart, I am going through and  
2 removing anything that is not real or not true to the DNA  
3 profile. Then I am also determining the number of contributors  
4 at this point in time. This is to determine whether this is  
5 one individual contributing to this DNA profile or there's  
6 multiple. From there, I am then going to compare to the known  
7 or reference standards.

8 Q. All right. Again, I believe that there were two  
9 submissions for which you were able to generate a profile and  
10 were sufficient for comparative analysis; is that correct?

11 A. Yes.

12 Q. All right. Starting with submission 4-A from the grip of  
13 the Glock.

14 I believe you were not only able to generate a DNA profile,  
15 but also that it was sufficient for comparative analysis; is  
16 that correct?

17 A. That is correct.

18 Q. In conducting that comparative analysis, what conclusions  
19 did you draw?

20 A. I determined the number of contributors to be three, and I  
21 also determined that the individuals, Kevin Gibson as well as  
22 Willie Boone, could not be visually excluded, and that the  
23 DNA profile obtained is approximately 4E46, which is 4 with 46  
24 zeros behind it, times more likely if it originated from Willie  
25 Boone, Kevin Gibson, and an unknown individual, than if the DNA

1 profile obtained originated from unknown individuals in the  
2 population.

3 The result provides very strong support for the proposition  
4 that Kevin Gibson and Willie Boone together are contributors to  
5 the DNA profile obtained.

6 Q. 4E46, that is a 4 with 46 zeros after it?

7 A. Yes, and that is a very large number.

8 Q. There is a way to verbalize that number, which I won't get  
9 into here today, but it is, again, a very large number?

10 A. Yes, which is why we use something called a bubble scale,  
11 so that is why I say there is very strong support. How large a  
12 number is, we put it within a range, and that is basically kind  
13 of within that range of very strong support.

14 Q. What is the threshold for very strong support?

15 A. Any number at one million or more.

16 Q. One million is just a one with six zeros after it; is that  
17 correct?

18 A. Yes.

19 Q. This is actually a four with 46 zeros after it?

20 A. Yes.

21 Q. So, very strong support?

22 A. Yes.

23 Q. All right. With respect to submission 6-A from the grip of  
24 the Springfield Armory, I believe your testimony was both that  
25 you generated a DNA profile and that it was sufficient for your

1 comparative analysis; is that correct?

2 A. It is correct.

3 Q. In conducting that comparative analysis in this matter,  
4 what did you conclude?

5 A. I determined the number of contributors for the sample to  
6 be two, which means that there were two individuals  
7 contributing to the sample, and that Mr. Willie Boone could not  
8 be visually excluded, and that the DNA profile obtained is  
9 approximately 1E28, or one with 28 zeros behind it, times more  
10 likely it originated from Willie Boone and an unknown  
11 individual than if the DNA profile obtained originated from two  
12 unknown individuals in the population.

13 This is result provides very strong support for the  
14 proposition that Willie Boone is a contributor to the DNA  
15 profile obtained.

16 Q. And again, the threshold for very strong support is one  
17 million, which is merely a one with six zeros after it?

18 A. Yes.

19 Q. And here the DNA profile statistic you generated during  
20 your analysis is one with 26 zeros after it?

21 A. One with 28 zeros behind it.

22 Q. All right. I am showing you what I previously marked for  
23 identification as Government Exhibit 30-A.

24 Do you recognize this?

25 A. Yes, I recognize this item because it includes both my

1 initials, the dates, and the time stamp.

2 Q. What are we looking at here?

3 A. Here we are looking at the table generated for the unknown  
4 samples, so the four samples that I was actually able to  
5 generate the DNA profile for.

6 Q. After generating the DNA profile , did you conduct the  
7 comparative analysis that we just discussed?

8 A. Yes, I did.

9 Q. That was comparing the DNA profile for the four items to  
10 the known standards of the three individuals in this matter?

11 A. Yes.

12 Q. And again, you conducted this interpretive analysis after  
13 having gone through the various steps that we discussed  
14 earlier; is that correct?

15 A. Yes.

16 MRS. CHASE: Your Honor, at this time I move to admit  
17 Government Exhibit 30-A.

18 MR. SCHUMACHER: Foundation, Judge, as well as  
19 hearsay, the same as before.

20 THE COURT: The same objections as to 30-B.

21 MR. SCHUMACHER: Yes, your Honor.

22 THE COURT: Is the basis for the admission the same as  
23 to 30-B?

24 MRS. CHASE: Yes, your Honor.

25 THE COURT: 30-A is admitted over objection.

1 (Whereupon Government Exhibit 30-A was marked for  
2 evidence.)

3 MRS. CHASE: Permission to publish, your Honor.

4 THE COURT: You may.

5 BY MRS. CHASE:

6 Q. All right. Now the jury can see Government Exhibit 30-A.

7 So, in this visual, we have four columns; is that correct?

8 A. Yes, and each column represents one submission.

9 Q. And I believe that the name of each submission is actually  
10 included at the top row; is that correct?

11 A. Yes.

12 Q. And this case number here is 22-10708. That is a little  
13 different than the one I mentioned earlier. Why is that?

14 A. That is because any evidence that is submitted to the PBSO  
15 laboratory will receive its own PBSO case number.

16 Q. Is 22-10708 a PBSO case number for this matter?

17 A. Yes.

18 Q. And next to that case number in each of the column headers  
19 we see 4A, 4B, 6A, and 6B; is that correct?

20 A. Yes.

21 Q. And that refers to the submission numbers that we just  
22 discussed?

23 A. Yes.

24 Q. All right. So, again, I believe you said there were two  
25 submissions for which you were able to generate a profile that

1 were insufficient for comparative analysis; is that correct?

2 A. Yes.

3 Q. And that these two submissions, 4B and 6B depicted in these  
4 columns, are the second and fourth; is that correct?

5 A. Yes.

6 Q. Can you explain for the jury now with this visualization  
7 how each of these two profiles was insufficient for comparative  
8 analysis?

9 A. Of course. Each of these samples, both 4B as well as 6B,  
10 were determined that the number of contributors was for more  
11 than one individual. The whole point of looking at the egram  
12 or this chart is actually to compare it, similar to a picture  
13 using a puzzle. If you have missing pieces, you can't create a  
14 whole image.

15 If you look at the chart, you will notice that there are  
16 multiple areas that may have two pieces of information, but  
17 looking at the egram, or looking at the chart which looks like  
18 an EKG, I can see that there are multiple peaks that don't have  
19 numbers associated. That could still possibly represent  
20 another individual.

21 With that being said, I could not conclusively state that  
22 every single piece of information that you see on this chart is  
23 attributed to one individual. With that being said, we are  
24 actually being more conservative by saying we will not compare  
25 to the sample because I could not conclusively state that every



1 piece of information that you see here is for one individual.

2 Therefore, based on the missing pieces of information, the  
3 sample is not suitable for comparison.

4 Q. In various spots in column 4B and 6B we see the acronym  
5 NID. What does that stand for?

6 A. That stands for no interpretable data, which means that  
7 there were no peaks that were called, or that were below a  
8 certain amount where a number was not associated with it.  
9 Therefore, you cannot conclusively associate a person to that  
10 particular location.

11 Q. And so, every time we see this, basically information has  
12 dropped out?

13 A. Yes.

14 Q. All right. Now, I am actually going to show you a  
15 comparison of 30-B to 30-A.

16 MRS. CHASE: My apologies, your Honor.

17 THE COURT: That is okay.

18 BY MRS. CHASE:

19 Q. Okay. Now we are publishing to the jury a depiction of the  
20 red column from Government Exhibit 30-B to the known items --  
21 or the unknown items, rather, in Government Exhibit 30-A.

22 I believe you testified earlier that this color red you  
23 used to depict the DNA profile of Willie Boone; is that  
24 correct?

25 A. Yes.

1 Q. And so, with respect to columns 4A and 6A from Government  
2 Exhibit 30-A, I see blue and red underlining in various spots.  
3 Can you explain that to the jury?

4 A. Yes. So, from my conclusion stated earlier, submission 4A,  
5 I could not visually exclude Kevin Gibson and Willie Boone.  
6 So, Kevin Gibson is where you see that blue because the blue is  
7 who I associated the submission 1S for, and where you see the  
8 red marks, whether it is a straight line or a dot, that is  
9 associated with submission with 3S, which is the individual  
10 Willie Boone.

11 Q. Okay. So, if I were to zoom in a little bit more, all  
12 right, in this location here, I see that the profile for 6A  
13 generated a number 16 that is underlined, and how does that  
14 correspond to Willie Boone's profile on the far right?

15 A. Both samples have a 16 at that location, so at that point,  
16 we would consider that a match.

17 Q. And so, you said earlier that this is like a puzzle; is  
18 that correct?

19 A. Yes.

20 Q. So, in your interpretive analysis, you went through each  
21 location and matched it to the known standard of Willie Boone?

22 A. Yes.

23 Q. And having done that for submission 6A, the grip of the  
24 Springfield Armory, you determined that there is very strong  
25 support that Willie Boone is a contributor to the DNA profile

1 for that firearm, correct?

2 A. Yes.

3 Q. Similarly, having done that same comparative analysis, it  
4 matched the puzzle to Willie Boone's DNA profile as well as the  
5 known standard of Kevin Gibson.

6 What were your determinations with respect to the Glock  
7 grip?

8 A. That both individuals could not be visually excluded.

9 Q. And given the strength of the number generated in the  
10 statistical analysis, what was your conclusion as to the  
11 strength of who contributed to this profile?

12 A. The strength using the bubble scale, very strong support.

13 Q. Very strong support that both Willie Boone and Kevin Gibson  
14 contributed to the DNA profile obtained from the Glock grip?

15 A. Yes.

16 MRS. CHASE: May I have a moment, your Honor?

17 THE COURT: Yes.

18 MRS. CHASE: I pass the witness.

19 THE COURT: Any cross-examination?

20 MR. SCHUMACHER: Yes.

21 CROSS-EXAMINATION

22 BY MR. SCHUMACHER:

23 Q. Ms. Gittens, do I understand correctly that you were not  
24 present during the entire laboratory process whereby your  
25 colleague was processing these samples?

1 A. Only the first three steps. I did process the fourth step,  
2 which was the detection step.

3 Q. Any of the information relative to extraction you didn't  
4 participate in, correct?

5 A. That is correct.

6 Q. Any of the participation in terms of quantification you did  
7 not participate in, correct?

8 A. That is also correct.

9 Q. Any work done by your lab that did amplification, that you  
10 did not participate in?

11 A. That is also correct.

12 Q. The only thing that you did was compare these peaks and  
13 valleys in this EKG type of result, correct?

14 A. No, I also participated in the detection step. That is  
15 still actually some sort of lab processing, so I am actually  
16 still handling the samples, however, I am not physically  
17 handling, say, the swabs. At that point is when you are moving  
18 to an extraction sample, and that is where the DNA profile is  
19 now into like a liquid form.

20 At this point I am handling the sample, but no longer in a  
21 swab form, but in a liquid form.

22 Q. Unless I missed it, we don't have any of the documents  
23 relative to the first three steps of this, correct?

24 A. We actually do have the documents, it is locate within our  
25 case file. So all the documentation in the process from who is

1 cutting the samples, who is doing this, all of that is  
2 contained within our case file.

3 As an interpreting analyst, I am able to take on that  
4 information and I am taking ownership of it as the interpreting  
5 analyst.

6 Q. Okay. You talked early in your testimony about something  
7 called DNA transfer, correct?

8 A. Yes.

9 Q. Okay. Are you also familiar with a concept called  
10 secondary transfer of DNA?

11 A. Yes, I am.

12 Q. Secondary transfer, can you describe that for the jury?

13 A. Of course. Secondary transfer -- or a transfer in itself,  
14 there are various forms of it. So you have direct transfer,  
15 and that means the same individual touches the surface of this  
16 item and they may possibly transfer to this item.

17 If a second individual was to come behind me and touches  
18 the same spot my DNA may be transferred on to their hand.  
19 That's called secondary transfer where they may have not  
20 actually come in contact with myself, but they touched the same  
21 item that I may have touched.

22 Then there is something called tertiary transfer, and that  
23 is where a third individual may be involved. So, that would be  
24 me directly touching the surface, a second individual touching  
25 the surface, that second individual would then go touch a door

1 handle and then a third individual may touch the door handle  
2 and my DNA may be present on the door handle from the transfer  
3 of individual to individual.

4 Q. You take a great deal of care in terms of preventing any  
5 cross contamination, do you not?

6 A. Yes, I do.

7 Q. Because it is easy to do that transfer, correct?

8 A. Yes.

9 Q. If somebody was shaking hands, for instance, is it possible  
10 that DNA would pass from one person to the next and maybe from  
11 that other person back to the other person?

12 A. It is possible, but there are some different factors to it,  
13 like how DNA may be transferred if it may even be transferred.  
14 If one person is wearing a glove, you may not have a transfer  
15 of DNA from one individual to another person's hand because you  
16 have a glove on.

17 There are different factors. Every human sheds DNA  
18 differently and at different levels, similar to your hair  
19 shedding. One individual may shed more hair than another and  
20 it's the same concept with DNA, so one person may shed more DNA  
21 than another. The amount of DNA that may transfer person to  
22 person may vary, but there is a possibility if there are no  
23 barriers in between, nobody is washing hands, that there is a  
24 possibility of transfer.

25 Q. Okay. The number of contributors complicates your job,

1 correct?

2 A. Yes, to a certain extent.

3 Q. Well, it sounded like on those instances where you were  
4 unable to make an actual standard or comparison, I think your  
5 testimony was that some of these were not suitable for  
6 comparisons just because there were too many contributors?

7 A. For those two samples, it was not that there were too many  
8 contributors, there wasn't enough information to determine how  
9 many contributors are there.

10 There are other instances where there are actually  
11 more than a certain amount of individuals that we will compare  
12 to, and for PBSO, if you have five individuals or more, that is  
13 where it is basically an overload of information and it's too  
14 complicated.

15 There are two forms of where we would have to call it  
16 inconclusive, where you cannot compare, and the first is  
17 either, A, there is not enough information, which is what is  
18 present here, and the second option is if there is too much  
19 information you can't decipher out what numbers go to what  
20 individual at that time.

21 Q. So, as far as the protocols that you use in the Palm Beach  
22 Sheriff's Office -- you have a set of protocols, right, that  
23 you are required to follow?

24 A. Yes.

25 Q. Your protocols don't call for making a conclusion that

1 there is an exact match; is that right?

2 A. The conclusion is to assist with the interpretation, so we  
3 do have interpretation guidelines that we do use. That is  
4 while we are going through the process of eliminating  
5 information that is not attributable to the actual DNA profile  
6 and steps on how to actually determine a contributor.

7 So, there is -- throughout training we are looking at  
8 different steps and the different parts of the EKG to help us  
9 determine the number of contributors, so we do have protocols  
10 to assist in that.

11 Q. The testimony you have given us here today is that the  
12 closest you come to saying this is an exact match is that it  
13 strongly suggests that this person can't be excluded as a  
14 contributor; is that correct?

15 A. That they cannot be excluded.

16 Q. Cannot?

17 A. Yes. That is a statistic that we use, and that is for any  
18 individual that cannot be excluded, and the statistic is  
19 basically providing weight to my determination. If there is an  
20 individual that I could not flat out exclude, which means there  
21 is a possibility that they may be in the sample, we have to  
22 provide weight to that determination.

23 Basically that number that you see is the weight of how  
24 common or how rare a person's profile may be in the population,  
25 and then using that with the statistic is how we came up with



1 that number.

2 Q. Are you familiar with different papers that have been  
3 authored on DNA analysis in your training and experience?

4 A. Yes, part of my training is to review various articles.

5 Q. Are you familiar with a paper called DNA Mixture and  
6 Interpretation? It's an NIST Scientific Foundation review. Do  
7 you remember that?

8 A. May you tell me the date that that was published?

9 Q. 2021.

10 A. I am familiar with a NIST article that did come out about  
11 the different procedures with determining interpretation. I  
12 may not be familiar with that exact article, I would have to  
13 review it. I am familiar with NIST actually coming out with a  
14 documentation regarding interpretation methods used in the lab.

15 Q. Are you familiar with any reports that suggest that there  
16 is difficulty in terms of the number of contributors being a  
17 problem in interpreting that data?

18 A. Yes.

19 Q. Is that well recognized in the DNA field?

20 A. Yes, which is why every time we attend scientific meetings,  
21 we are also networking and speaking with other laboratories on  
22 how to address certain situations like such. Through our  
23 training, we are essentially looking at numerous samples. It's  
24 not as simple as looking at, say, a sample that only has one  
25 contributor.

1 Throughout our training, I am experienced in looking at at  
2 multiple contributors in a sample. So, prior to me being  
3 authorized in case work, I am familiar with seeing DNA profiles  
4 when they have multiple individuals, how to address that  
5 situation, whether I should compare to it or not, and that is  
6 my basis behind it. We do know that there are articles in  
7 regards to interpretation and how to handle it, however, PBSO  
8 itself has trained the analyst to address that situation.

9 Q. Calling your attention, while we are bringing this up, Ms.  
10 Gittens, the Government's table that it last showed you, can  
11 you tell, out of the 27 different loci that you are checking,  
12 how many of those match Mr. Boone for, let's say, 4A?

13 A. There was a total of 48 pieces of information that matched  
14 Mr. Willie Boone. Mr. Willie Boone was identified at every  
15 location as far as those 27 different areas.

16 Q. Okay. When was that -- you weren't present when the swabs  
17 were taken of the -- for his standard, correct?

18 A. That is correct. That was submitted to the laboratory, so,  
19 myself as well as two other forensic scientists were present at  
20 the time.

21 Q. Was there somebody by the name of Brianna Williams also  
22 with your team?

23 A. Yes, to a certain extent. Forensic scientist Brianna  
24 Williams is actually a serologist. By serologist, that's why  
25 he stated that a forensic scientist may examine evidentiary

1 items for bodily fluids such as blood or semen. They are also  
2 trained, which I am also a serologist myself, to preserve  
3 evidence. So that is where forensic scientist Brianna Williams  
4 role may have been in this case. If you were to review her  
5 report, she has only preserved the swabs, which means that she  
6 moved it from the original packaging into coin envelopes, and  
7 put the case identifiers, which includes the case number and  
8 submission number, and then placed those coin envelopes into  
9 what we call a sera bag.

10 The sera bag is going to have two per case typically. We  
11 have one bag that holds the unknown coin envelopes, and we have  
12 another bag that holds all the known envelopes. That is what  
13 forensic scientist Todd Cohen would have received. So, all the  
14 submissions that have been placed into, say, a six or seven  
15 bags has been condensed down into one bag which is easier for  
16 DNA processing.

17 Q. Were you present when Ms. Williams processed any of the DNA  
18 in this case?

19 A. No. As a serologist, you typically work solo or alone.

20 Q. Do you know when the DNA was received in your lab?

21 A. By DNA, you're referring to the actual evidence submitted  
22 into the laboratory?

23 Q. Yes.

24 A. I do not have that with me at this moment, but I can  
25 provide that to you at a later date, but it would be in-house

1 electronically with our chain of custody.

2 Q. If I were to show you a report by Ms. Williams, might that  
3 refresh your recollection?

4 A. It will, however that will just be the start date of her  
5 analysis, not when the actual submissions were received to the  
6 laboratory.

7 Q. Do you guys keep a property receipt or anything like that  
8 as items are being handled?

9 A. Yes, we have a property receipt as well as electronic chain  
10 of custody, and that is housed within our LIMS system, L-I-M-S,  
11 which stands for Laboratory Information Management System, and  
12 that is the program that we use to write our reports. It's  
13 where we also create the submission numbers, the laboratory  
14 case number, and it is to hold any information pertaining to  
15 property or electronic chain of custody.

16 Q. And you don't have that information as we sit here today?

17 A. No, because that is not something we typically keep with  
18 the case file, however, it can be provided if requested.

19 Q. Okay. Were you familiar with the fact that there were  
20 several reports that were authored in connection with the  
21 results of this case?

22 A. In regards to the forensic biology unit, yes.

23 Q. Yes. Isn't it true that there were a number of different  
24 samples that were provided for testing, unknown samples, that  
25 you couldn't analyze because there was what you call undue

1 genetic dropout?

2 A. Yes. There were two samples due to the genetic amount of  
3 dropout that I could not compared to.

4 Q. Do you quantify how much DNA is present when you actually  
5 start to amplify?

6 A. Yes.

7 Q. Was there a sufficient sample, for example, for 4-A and  
8 6-A?

9 A. Yes.

10 Q. I believe you said on submission -- was it 4-B, you said  
11 the number of individuals -- the number of contributors were  
12 too great to make a comparison?

13 A. For that specific sample, it was determined to be more than  
14 one, not that it was necessarily too great, but that there was  
15 more than one individual and there wasn't enough information to  
16 compare between more than one.

17 So I am saying there is a possibility it could be two  
18 individuals, it could be one. However, based off that number  
19 amount and how much information is here, there is not enough to  
20 compare to say more than one individual because two pieces of  
21 information can go for one person.

22 However, if you look at the column 4B, as well as my  
23 notation below, I am saying there is more than one individual,  
24 and that is not enough information to compare to two people  
25 because if there is more than one person in a sample, you will

1 have at least, typically, three pieces of information or three  
2 numbers associated with every location.

3 You do not see that there, therefore, when you are looking  
4 at it visually it only shows as if it is one person, but I know  
5 there is more than one individual in this sample, so it is not  
6 suitable.

7 Q. 4A, for instance -- is this up on the screen?

8 For 4A, your testimony was that there was at least three  
9 individuals, three contributors, correct?

10 A. Yes, three contributors.

11 Q. That is because of the number of what we see next to  
12 those -- down that column; is that right?

13 A. Yes.

14 Q. We have no idea who the third person was?

15 A. At this time we do not because I actually have another  
16 report statement where I actually inconclusive contributor  
17 three. So, for that particular contributor, there was too much  
18 dropout, so I could not conclusively include or exclude an  
19 individual. Therefore, to be more transparent, I said there  
20 are going to be no comparisons for that individual.

21 Q. How long will DNA stay on a surface?

22 A. Of an item indefinitely if there are no other factors  
23 barring.

24 Q. So it could be indefinite?

25 A. Yes.

1 Q. Did you have any relative strengths of the overall quantity  
2 of DNA contributors in 4A?

3 A. There is a small breakdown that was used by the software.  
4 Are you referring to -- can you clarify exactly what strength  
5 you are referring to?

6 Q. Your machines are able to actually quantify the amount of  
7 DNA that is replicated, correct?

8 A. Yes. That is something different than per contributor. In  
9 that second step what it is doing is the total amount of DNA in  
10 a sample, so it is not breaking it down for a contributor. At  
11 that second step I would not be able to tell you how many  
12 contributors are in a sample.

13 So, there is a total amount of DNA that is associated for  
14 this particular sample, as well as all four samples that are  
15 here, actually all the samples that were quantified in this  
16 case. Yes, I was able to determine a quantifiable amount.

17 Q. You already indicated, in your expert opinion, that DNA can  
18 last indefinitely on an item depending on the circumstances,  
19 correct?

20 A. Yes.

21 Q. If somebody touched an item maybe two months before it was  
22 tested, it is possible their DNA may still be on it, correct?

23 A. Yes.

24 Q. So, does your machines and your testing allow you to say  
25 when DNA was deposited?

1 A. No. We cannot tell you when or how DNA may have gotten on  
2 an item.

3 MR. SCHUMACHER: Nothing additional, your Honor.

4 THE COURT: Okay. Any redirect?

5 MRS. CHASE: Yes, your Honor.

6 REDIRECT EXAMINATION

7 BY MRS. CHASE:

8 Q. Counsel for the Defendant asked whether you knew of an  
9 article that discussed difficulty when there are multiple  
10 contributors; is that correct?

11 A. Yes.

12 Q. You didn't have any difficulty conducting your comparative  
13 analysis here, did you?

14 A. I did not.

15 Q. In fact, you were able to determine that for submission 4A  
16 from the Glock grip, you concluded that the statistical result  
17 provides very strong support for the proposition that Kevin  
18 Gibson and Willie Boone together are contributors to the DNA  
19 profile obtained, correct?

20 A. That is correct.

21 Q. And similarly, for the Springfield Armory grip you had no  
22 such trouble, did you?

23 A. That is also correct.

24 Q. In fact, you were able to conclude that the statistical  
25 result provides very strong support for the proposition that



1 Willie Boone is a contributor to the DNA profile obtained; is  
2 that correct?

3 A. That is also correct.

4 Q. For both of these items, that statistical report was  
5 exponentially over the threshold for very strong support, was  
6 it not?

7 MR. SCHUMACHER: Objection, leading.

8 THE COURT: Sustained. Rephrase.

9 BY MRS. CHASE:

10 Q. Was this conclusion, the statistical result, far over the  
11 threshold for very strong support?

12 A. Yes. Very strong support begins at one million or more,  
13 and both of these submissions were well over that number.

14 Q. In fact, were they exponentially over that number?

15 MR. SCHUMACHER: Objection, asked and answered, and  
16 leading.

17 THE COURT: Overruled.

18 THE WITNESS: Yes.

19 MRS. CHASE: No further questions, your Honor.

20 THE COURT: Okay. Thank you very much, you may step  
21 down.

22 We will take a brief recess, ladies and gentlemen at  
23 this time, maybe ten minutes. If we could try to be back by 25  
24 minutes to 3:00, with the same instructions not to discuss the  
25 case, not to have any interaction with anyone associated with

1 the case, not to conduct any research.

2 We will be back in ten minutes.

3 (Thereupon, the jury leaves the courtroom.)

4 THE COURT: So we have Cohen next?

5 MRS. CHASE: Yes, your Honor.

6 THE COURT: And then Finnamore?

7 MRS. CHASE: Yes, your Honor.

8 THE COURT: So, if we look to end at 4:30, does that  
9 get everybody where they need to be, or is that too late for  
10 the party and trick or treating? If it is, let me know. Let's  
11 start with the kids who are trick or treating. Is 4:30 too  
12 late.

13 MS. DARSCH: It works.

14 MRS. CHASE: For me as well, your Honor.

15 MR. SCHUMACHER: That is fine.

16 THE COURT: We will aim for 4:30. Since we will have  
17 to cut Finnamore off anyway, if you see a time between 4:00 and  
18 4:30 that makes more sense, let me know.

19 MRS. CHASE: Okay. Thank you, your Honor.

20 THE COURT: We will take a brief recess.

21 (Thereupon, a brief recess was taken.)

22 (Thereupon, the jury returned to the courtroom.)

23 THE COURT: All right. Welcome back, you may be  
24 seated. The Government can call your next witness.

25 MRS. CHASE: Thank you, your Honor. The United States

1 calls Todd Cohen.

2 TODD COHEN, GOVERNMENT'S WITNESS, SWORN

3 THE COURTROOM DEPUTY: Have a seat, speak into the  
4 microphone, and if you will state your full name for the record  
5 and spell your last name for the court reporter, please.

6 THE WITNESS: Todd Cohen, C-O-H-E-N, T-O-D-D.

7 MRS. CHASE: May I have a moment, your Honor?

8 THE COURT: Yes.

9 DIRECT EXAMINATION

10 BY MRS. CHASE:

11 Q. Where are you employed?

12 A. I am a forensic scientist at the Palm Beach County  
13 Sheriff's Office within the forensic biology unit.

14 Q. How long have you been so employed?

15 A. I have been employed for about nine and a half years.

16 Q. And what are your duties as a forensic scientist with the  
17 Palm Beach County Sheriff's Office lab?

18 A. I conduct serology and DNA analysis on criminal cases, as  
19 well as testifying to my findings and writing reports.

20 Q. What is your educational background?

21 A. I have a Bachelor of Science in biology from Florida  
22 Atlantic University, and I also have an Associate Science  
23 Degree in crime scene technology from Palm Beach State College.

24 Q. All right. So, I believe you testified you have been a  
25 scientist at the Palm Beach County Sheriff's lab for over nine

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1 years?

2 A. Yes. For about nine and a half years, yes.

3 Q. All right. Can you describe to the jury any training you  
4 received prior to becoming a forensic scientist?

5 A. So, when I was hired, there were two separate types of  
6 training. I first did my training in serology, which was about  
7 a three to four-month long training program that covered all of  
8 our protocols to conduct a serological analysis. So, that's  
9 looking for biological fluids such as blood and semen. We had  
10 written exams, practical exams, a bench exam where we get a  
11 mock case, where we have to complete with a hundred percent  
12 accuracy, as well as go to a mock trial and do a mock trial.

13 Once I completed that, I was on serological testing or  
14 serology case work. After that, I then was trained on DNA  
15 analysis, which was a year long training program where we went  
16 through all of our protocols and was familiar with what kind of  
17 protocols we use in the laboratory for what we do on DNA case  
18 work. That one also had written exams, a bench exam, as well  
19 as a culmination in a mock trial as well.

20 Q. First, with respect to your serology training, when did you  
21 complete that training?

22 A. That was from January 2014 to about May 2014.

23 Q. And with respect to your DNA analysis training, when did  
24 you complete that?

25 A. That was completed in December 2015, so I came on line

1 doing case work January 2016.

2 Q. Since January 2016, have you been conducting DNA case work  
3 at the PBSO lab?

4 A. Yes.

5 Q. All right. Now, the jury has already heard some about  
6 PBSO, but in your work of DNA analysis, does PBSO have  
7 procedures in place to prevent cross contamination?

8 A. Yes.

9 Q. Can you describe those procedures for the jury?

10 A. Sure. In our laboratory we wear what we call PPE, personal  
11 protective equipment. That is a lab coat, gloves, a face mask,  
12 hair net and goggles. We work one case at a time, one item of  
13 evidence at a time, and we also clean our tools and our  
14 laboratory work areas with bleach and ethanol. We are  
15 constantly changing our gloves between samples.

16 Q. And when you are actually conducting the lab process  
17 portion of a DNA analysis, can you walk the jury through that,  
18 please?

19 A. Sure. So, we have four steps to the DNA process in the  
20 laboratory. The first step is DNA extraction where we try to  
21 isolate the DNA within the cells of your body. Then we move on  
22 to the next step, which is quantification, which tells us, do  
23 we have any DNA; and if so, how much.

24 The next step after that is amplification, it is like a  
25 molecular Xerox machine where we make millions of copies of the

1 DNA that we specifically look at in our laboratory.

2 Then the last step is the visualization of the DNA where we  
3 actually see what the DNA profiles look like, and after that is  
4 an interpretation where you gather the DNA profile and do  
5 comparisons if those profiles are deemed necessary for  
6 comparison.

7 Q. With respect to the first three steps of extraction,  
8 quantification and amplification, are those three steps  
9 performed within the lab?

10 A. Yes.

11 Q. And for conducting those three steps, are you simply  
12 following the various procedures in place to help generate a  
13 DNA profile?

14 A. That is correct.

15 Q. Now, how are you obtaining DNA samples to test?

16 A. So, when I go into the laboratory, my portion is like kind  
17 of the second step of the overall laboratory process. The  
18 first step is serology, the preservation or the identification  
19 of biological fluids.

20 That analyst will store the swabs or samples that are  
21 collected during that step or during that process in what we  
22 call a coin envelope, and within that is what we call a  
23 serology bag. Those are all sealed and labeled with the case  
24 number, the submission number, and the date that it was  
25 collected, as well as the analyst's initials.

1           Once that analysis is completed, it is put into what we  
2           call a long-term storage secure area within the forensic  
3           biology unit, and it has its own chain of custody to record  
4           that. Once I get assigned the case or a batch of cases to  
5           work, I go into that long-term storage area and transfer that  
6           serology back to my custody and then start my DNA process.

7           Q. And then, when you are starting your DNA process, you are  
8           processing the samples for the extraction, quantification,  
9           etc.?

10          A. Yes. For this particular case, yes, I did the first three  
11          steps in the DNA process.

12          Q. Okay. Let's discuss this particular case. You did perform  
13          work in PBSO case number 22-10708?

14          A. Yes.

15          Q. Now, you mentioned that prior to your work a serologist  
16          performs other parts of the work; is that correct?

17          A. Yes.

18          Q. Is that what happened here?

19          A. Yes.

20          Q. So, when you entered the process and transferred items from  
21          serology, did you examine the items that you were assigned?

22          A. I don't necessarily examine them, I just kind of make a  
23          laboratory like template sheet that tells us which samples we  
24          are going to be extracting for the first step, and that is how  
25          we set up our first step of the process.

1 Q. And here I believe you had seven submissions from various  
2 items; is that right?

3 A. May I refer to my notes?

4 Q. Yes.

5 A. I had seven unknown samples, or samples that we don't know  
6 where the DNA profile came from. Then I had three known  
7 profiles, or reference standards, that I extracted as well.

8 Q. Can you walk the jury through the process of physically  
9 obtaining the items that you are going to analyze?

10 A. Sure. So, when I get into the laboratory I clean my area  
11 with bleach and ethanol, put on my personal protective  
12 equipment. I receive those samples from that long-term storage  
13 area, and I set up those specific samples in a certain order  
14 based off of the lab worksheet that I have.

15 Then I have a second person come in and kind of review the  
16 order of it to ensure that everything that is matching on my  
17 worksheet template is assigned with the same submission  
18 numbers, case number, and tube number to that process before I  
19 start actually cutting through the DNA extraction.

20 Q. And I believe all of those swabs containing DNA, either  
21 from unknown items or known standards, those come like actual  
22 physical swabs; is that right?

23 A. For this particular case, yes, they were swabs of items or  
24 areas that were specifically labeled, and they were on the  
25 swabs, so DNA -- the purpose of taking a swab is to potentially



1 look for DNA on that swab.

2 Q. And were those all stored within a manila envelope?

3 A. Each set of swab was stored in its own manila envelope with  
4 the case number and submission number.

5 Q. When it reaches you after the serologist has performed her  
6 work, what do those swabs like like?

7 A. The swabs were usually -- depending on how it was submitted  
8 to the serologist, they could be longer swabs, kind of like a  
9 Q-tip, but a little bit longer, and usually we break off the  
10 ends of those swabs if they are not already broken off already  
11 to fit inside that small coin envelope. It is not a large  
12 envelope, it is about this big. (Indicating.)

13 Q. When you say "we", are you referring to the serologist or  
14 you?

15 A. In general, we as in terms of the laboratory, but the  
16 serologist would place that into that envelope.

17 Q. And you have conducted that serology work yourself in the  
18 past, have you not?

19 A. Yes.

20 Q. So, when you received the seven samples from items and  
21 three known standards in this case, did you examine them to  
22 make sure that they were intact, ready to be actually processed  
23 in your lab?

24 A. I ensure that the correct case number and submission number  
25 are on the coin envelope. I don't actually do another

1 secondary examination of the swabs, I just make sure that the  
2 coin envelope is matchings my laboratory worksheet.

3 Q. And in this matter it did?

4 A. Yes.

5 Q. So, having matched the case number and taken the items out,  
6 what did you do next?

7 A. So, the next step is to get that secondary reviewer to  
8 ensure that I have it in the correct number order.

9 I cut the swabs into a test tube and then I add some  
10 chemicals and I heat it up. Once that is done, that first heat  
11 up step, I the put it in an instrument to do the DNA  
12 extraction.

13 Q. And you performed that DNA extraction for the seven  
14 unknowns and three known standards here?

15 A. Yes.

16 Q. What did you do after the extraction?

17 A. Then we move on to the quantification step. Again, I have  
18 the same sheet, laboratory template that tells me where to put  
19 those now swabs that have turned into kind of like a liquid  
20 into what we call a 96 bump plate. There is a plate with 96  
21 individual wells in it where we can add samples to do the  
22 specific quantification process in the laboratory.

23 Q. And you conducted that quantification for the seven unknown  
24 items and the three standards here?

25 A. Yes.

1 Q. Before moving on to the amplification process, was your  
2 work reviewed at the quantification step?

3 A. Before I load those samples on to the plate, there is what  
4 we call a second reviewer that verifies the case number,  
5 submission number on the actual tubes that we have, and that is  
6 associated with that template again and make sure that we are  
7 actually loading it onto the actual -- the correct well  
8 position on that plate.

9 Q. Was that done here?

10 A. Yes.

11 Q. And then you proceeded to the amplification step?

12 A. Yes.

13 Q. Can you describe that for the jury?

14 A. The amplification step is similar to the quantification  
15 step, it is also done within a 96 well plate. Those samples  
16 are added basically in the same position as they were on the  
17 quantification step. It is just another chemical process where  
18 we are adding different amounts of liquid to that plate.

19 Q. And in this case, for the seven unknown items and the three  
20 known standards, you completed that amplification process?

21 A. Yes. I think some of them may have actually --

22 Q. Did some items not move --

23 A. Yes. Some of them didn't move on from quantification to  
24 amplification based off of the results if there is DNA in  
25 there, and how much DNA was in there.

1 Q. For those items that had enough from the quantification  
2 process, you were able to proceed to the amplification process  
3 and complete it?

4 A. Yes.

5 Q. Then what did you do?

6 A. After that, I took that plate and put it on to the  
7 instrument that conducts that process, the amplification  
8 process, and that was it for my involvement in the case.

9 Q. Who took over involvement thereafter?

10 A. That was Ms. La'Nisha Gittens.

11 Q. And is that standard procedure, to pass along the various  
12 parts of the four-step process from one forensic scientist to  
13 another?

14 A. Yes. In our laboratory, we work in teams, so this could  
15 have been done by multiple different people. We typically work  
16 in a team of two or three to do these DNA processes.

17 Q. Did you have any involvement in the interpretation of any  
18 data rendered?

19 A. No.

20 Q. In fact, did you even have any involvement in determining  
21 whether a profile had been generated?

22 A. No.

23 Q. Now, I apologize if I missed this, but when discussing  
24 cross contamination procedures, did you discuss blanks?

25 A. No, I did not. Yes, we use what we call reagent control

1 negatives that ensures that our process at each step is working  
2 correctly and to also ensure that there is no possible foreign  
3 information that is coming into our samples while we are  
4 conducting our processes.

5 The amplification step has its own quality control  
6 indicators, or positive negative controls that tells us the  
7 process is working correctly.

8 Q. At each of the extraction, quantification, and  
9 amplification steps here, did you use those controls?

10 A. Yes.

11 Q. Did you have any cross contamination?

12 A. I did not have any indication of any contamination.

13 MRS. CHASE: May I have a moment, your Honor?

14 THE COURT: Yes.

15 MRS. CHASE: I pass the witness, your Honor.

16 THE COURT: Any cross-examination?

17 MR. SCHUMACHER: No, your Honor.

18 THE COURT: Thank you so much, you may step down.

19 The Government may call your next witness.

20 MS. DARSCH: The Government now calls ATF Special  
21 Agent Mark Finnamore.

22 THE COURT: Okay.

23 MARK FINNAMORE, GOVERNMENT'S WITNESS, SWORN

24 THE COURTROOM DEPUTY: Have a seat, adjust the mike,  
25 speak into it and state your full name for the record and spell

1 your last name for the court reporter.

2 THE WITNESS: Special Agent Mark Finnamore,  
3 F-I-N-N-A-M-O-R-E.

4 DIRECT EXAMINATION

5 BY MS. DARSCH:

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. What is your job title?

9 A. I am a Special Agent with the Bureau of Alcohol Tobacco  
10 Firearms and Explosives.

11 Q. Is that commonly referred to as ATF?

12 A. Yes, it is.

13 Q. Can we call it ATF?

14 A. Yes.

15 Q. How long have you been with ATF?

16 A. Approximately seven years.

17 Q. When you first started with ATF, where were you assigned?

18 A. The West Palm Beach field office.

19 Q. How long were you at the West Palm Beach field office?

20 A. Approximately five and a half years.

21 Q. Where are you assigned now?

22 A. The ATF HIDTA North Office in Plantation, Florida.

23 Q. What is HIDTA?

24 A. It stands for high intensity drug trafficking area.

25 Q. We will get back to HIDTA later, but what are your duties

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1 as a special agent with ATF?

2 A. Our duties are to investigate violations of Federal  
3 firearms, narcotics, arson and explosives laws.

4 Q. Do those investigations involve violations of Title 18 and  
5 26 as they pertain to firearms and explosives?

6 A. Yes, they do.

7 Q. What is your educational background?

8 A. I have a Bachelor's Degree from St. Leo University in Dade  
9 City, just north of Tampa.

10 Q. In the course of your tenure with ATF, have you qualified  
11 first as a regular special agent?

12 A. Yes.

13 Q. Have you also obtained additional qualifications in a  
14 specialized area called interstate nexus firearms and  
15 ammunition?

16 A. Yes, I have.

17 Q. What did that training entail?

18 A. We were sent to a training program, at the time it was in  
19 Huntsville, Alabama, of approximately one week of training  
20 where we were trained to identify firearms and ammunition and  
21 where they were manufactured for the purpose of determining  
22 where they would cross state or national lines.

23 Q. Did you learn about prior markings?

24 A. Yes, they showed us various types of markings that would be  
25 on a firearm that would be used then to identify the firearm or

1 the ammunition.

2 Q. To obtain that qualification, do you have to be an expert  
3 if firearms in general?

4 A. I would say so, yes.

5 Q. In addition, do you attend specialized training courses as  
6 to where firearms are manufactured and how they are  
7 manufactured?

8 A. Yes. Fortunately for us, ATF frequently sends us on what  
9 we call tours where they will send us to factories where they  
10 manufacture these firearms and ammunition all over the world,  
11 and we are able to see the process where the firearms and  
12 ammunition is manufactured from the beginning where it is just  
13 a block of metal all the way until it is a completed firearm  
14 and the ammunition with the various different components and  
15 how it is made.

16 Q. During your training, did you successfully complete your  
17 course work?

18 A. I did.

19 Q. Have you attended multiple places of firearms  
20 manufacturing?

21 A. I have.

22 Q. Have you visited ammunition making plants?

23 A. I have.

24 Q. Do you teach state and local law enforcement officers about  
25 Federal firearm laws?



1 A. I do.

2 Q. Do you teach about the manufacturing and the prosecution of  
3 Federal firearms law?

4 A. Yes.

5 Q. When we refer to interstate nexus, what are we referring  
6 to?

7 A. We are referring to the process of basically identifying  
8 firearm crossing state lines or international lines during its  
9 life as a firearm or ammunition.

10 Q. How can you tell where firearms or ammunition were  
11 manufactured to determine if they crossed state lines?

12 A. There is a variety of ways, the number one being the  
13 markings that are on the firearm. Every manufacturer will have  
14 information on their firearm that is specific to their company.  
15 It could be the company name, the city and state in which it  
16 was made. It could have the importer markings, which would be  
17 similar markings of city and state, and the importer company.  
18 It could have made in whatever country.

19 It could also have very unique serial numbers. For  
20 international firearms there are markings called proof marks,  
21 which are markings unique to international firearms and the  
22 factories where they basically show a quality standard for  
23 their firearms. They will have individual markings unique to  
24 that manufacturer. They will be used to show that they crossed  
25 through certain procedures to assure quality.

1 Q. Do you have personal hobbies as it relates to firearms?

2 A. I do. I collect firearms in my personal time. I also  
3 frequently take part in hunting. On my own time, I also take  
4 tours of other factories, storage facilities for firearms and  
5 ammunition.

6 Q. Approximately how many firearms have you researched before  
7 becoming a nexus officer for ATF?

8 A. Hundreds I would say.

9 Q. Have you testified as an expert witness on the interstate  
10 nexus of firearms and ammunition before in Federal Court?

11 A. I have, yes.

12 Q. Did you qualify as an expert witness on interstate nexus of  
13 firearms and ammunition in Federal District Court?

14 A. Yes, I did.

15 MS. DARSCH: Your Honor, at this time I tender Special  
16 Agent Mark Finnamore as an expert in the interstate nexus of  
17 firearms and ammunition.

18 MR. SCHUMACHER: Without objection, your Honor.

19 THE COURT: Agent Finnamore is accepted by the Court  
20 as an expert in the interstate nexus of firearms and  
21 ammunition.

22 BY MS. DARSCH:

23 Q. Now that we have talked about your experience and training  
24 in firearms, I want to turn over to your experience and  
25 training relating to narcotics.

1 As you mentioned earlier, you are in HIDTA. Let me go  
2 back.

3 In your capacity as an ATF agent have you served in an  
4 undercover capacity?

5 A. Yes, I have.

6 Q. On approximately how many occasions?

7 A. As of last week, over 50.

8 Q. How many undercover investigations have you been involved  
9 in?

10 A. Over one hundred.

11 Q. As an ATF agent, do you have drug and firearm arrests?

12 A. Yes.

13 Q. Approximately how many?

14 A. Over one hundred, easily.

15 Q. With respect to cocaine, how many investigations have you  
16 been a part of involving the sale of cocaine?

17 A. Over 75, I would say. The majority of our cases are either  
18 cocaine or fentanyl.

19 Q. So the same would be true for fentanyl?

20 A. Absolutely.

21 Q. And what about with respect to Butylone?

22 A. Not as common, but yes, I'd say over 50 case of mine have  
23 been involving Butylone, what we call bath salts or MDMA.

24 Q. That is my next question. MDMA, is it  
25 methylenedioxymethamphetamine?

1 A. Yes, that is the chemical term for it.

2 Q. How many investigations have you been involved in involving  
3 the sale of MDMA, approximately?

4 A. I would say approximately 35 to 50 cases.

5 Q. In addition to your investigations, have you had the  
6 opportunity to execute search warrants involving the sale and  
7 distribution of narcotics?

8 A. Very frequently, yes.

9 Q. Approximately how many search warrants?

10 A. Over one hundred.

11 Q. Approximately, during your investigations, how many  
12 interviews have you been a part of involving the possession and  
13 distribution of narcotics?

14 A. Over 200.

15 Q. Have you had the opportunity when you have been executing  
16 search warrants to see the manner and means in which narcotics  
17 are sold?

18 A. Absolutely, yes.

19 Q. Has this allowed you to become familiar with the packaging  
20 and mechanism by which narcotics are sold?

21 A. Yes.

22 Q. Are you familiar with street terms or lingo or slang for  
23 certain types of narcotics?

24 A. Yes.

25 Q. Are you familiar with the way that narcotics are

1 distributed?

2 A. I am.

3 Q. Are you familiar with whether firearms are used during  
4 distribution?

5 A. Very frequently, yes, they are.

6 Q. Have you been in residences of drug distributors during  
7 search warrants or consent searches and seen firearms?

8 A. Yes.

9 Q. Have you been involved in investigations involving  
10 undercover officers purchasing firearms and narcotics?

11 A. Yes, both as a case agent and in an undercover capacity.

12 Q. You mentioned earlier that you are now assigned to HIDTA,  
13 and I said we would get back to that. What is HIDTA again?

14 A. It's a high intensity drug trafficking area, is the  
15 acronym. It's basically an ATF office or multiple agencies in  
16 one building working as a task force to investigate drug  
17 trafficking in a particular area.

18 Q. So, what is your responsibility and primary role as part of  
19 the HIDTA group?

20 A. Recently, it has been as an undercover agent. Before that,  
21 I was predominantly the case agent for the undercover  
22 investigations.

23 Q. What did those undercover investigations involve?

24 A. Anywhere from purchasing narcotics from street level up to  
25 trafficking quantities, acting as either the trafficker looking

1 to acquire a source for narcotics, or purchasing narcotics on  
2 the street from a dealer, or purchasing firearms from people on  
3 the street in an attempt to solve shootings, or purchasing  
4 firearms and narcotics together to further our drug trade as an  
5 undercover.

6 Q. As an agent in HIDTA, have you purchased as an undercover  
7 officer or been involved in an investigation involving Glock  
8 switches?

9 A. Yes.

10 Q. As an agent in HIDTA, have you been involved in -- as an  
11 investigation or an undercover officer involved in purchasing  
12 methylenedioxymethamphetamine?

13 A. MDMA, yes

14 Q. What about cocaine?

15 A. Yes.

16 Q. Crack cocaine?

17 A. Yes.

18 Q. What about heroin?

19 A. Yes.

20 Q. And also you mentioned earlier the possession of firearms?

21 A. Yes, very frequently.

22 MS. DARSCH: Your Honor, at this time the United  
23 States tenders Special Agent Mark Finnamore as an expert  
24 witness in the area of firearms and street-level narcotics.

25 MR. SCHUMACHER: Without opposition, your Honor.

1           THE COURT: The Court deems Agent Finnamore to be an  
2 expert in firearms and street-level narcotics.

3 BY MS. DARSCH:

4 Q. Going back to your experience as a nexus expert, were you  
5 asked to examine two firearms at issue in this case?

6 A. I was.

7 Q. Did you examine those firearms?

8 A. I did.

9 MS. DARSCH: May I approach the witness?

10 THE COURT: You may.

11 BY MS. DARSCH:

12 Q. I'm showing you what has previously been admitted into  
13 evidence as Government Exhibit 13 and Government Exhibit 14.  
14 Did you examine Government Exhibit 13 and Government Exhibit  
15 14?

16 A. Yes, I did.

17 Q. So, I want to go through the firearms one by one.

18 Looking at Government Exhibit 13, what is it?

19 A. This would be a Glock Model 17 9-millimeter semiautomatic  
20 pistol and the firearm would be bearing serial number P as in  
21 papa, H as in had hotel, K as in kilo, 028.

22 Q. Does it have any markings on it?

23 A. Yes, it has quite a few. It has a marking on the frame of  
24 the pistol or the lower end of the pistol stating "Made in  
25 Austria, Glock, Inc. Smyrna, Georgia." On the reverse side of

1 the firearm on the slide you will have the Glock insignia  
2 towards the front of the firearm, 17 generation 4, gen 4, that  
3 is just the model of the firearm. There are multiple  
4 generations of that firearm. Then Austria, country of origin,  
5 as well as 9 x 19, which would signify the caliber of the  
6 firearm. Glock also has numerous other markings on the firearm  
7 just to advertise their products.

8 Q. Are you able to tell the jury if this is a firearm as  
9 defined under Federal law entitled 18 United States Code,  
10 Section 921(a)(3): Any weapon designed to or readily  
11 convertible to expel a projectile or the action of an  
12 explosive?

13 A. Yes, it is.

14 Q. During your examination of the firearm, the Glock, were you  
15 able to determine where the Glock was manufactured?

16 A. This particular Glock was made in Austria and imported into  
17 the United States through Smyrna, Georgia, Glock's importation  
18 facility in Georgia.

19 Q. How do you know that?

20 A. I have done numerous interstate nexuses for this particular  
21 model of firearm in the past, and I am also able to tell based  
22 on the markings on the firearm. I have also reviewed the  
23 firearm trace, which is a document provided by ATF for law  
24 enforcement showing the life cycle of the firearm, where it is  
25 manufactured to its end purchaser, and that form showed me that



1 the firearm was made in Austria before moving to Georgia and  
2 then to the distributor.

3 Q. Given your determination that this Glock pistol was  
4 manufactured in Austria, do you have an opinion as to whether  
5 the Glock pistol traveled in interstate and foreign commerce  
6 prior to it coming to Florida?

7 A. Yes, this firearm traveled in both interstate and foreign  
8 commerce, yes.

9 Q. So, I apologize, just to confirm, it did travel in and  
10 affecting interstate and foreign commerce?

11 A. Yes.

12 Q. Now, turning to the second firearm, Government Exhibit 14,  
13 did you examine this firearm?

14 A. Yes, I did.

15 Q. What type of firearm is it?

16 A. This is a Springfield Armory model XDS, and this is a  
17 9-millimeter semiautomatic pistol as well, and it is bearing  
18 serial number S as in sierra, 3952958.

19 Q. Is it a firearm as defined under Federal law in Title 18  
20 United States Code, Section 921(a)(3): Any weapon designed to  
21 or readily convertible to expel a projectile by the action of  
22 an explosive?

23 A. Yes, it is.

24 Q. Were you able to determine its place of manufacture?

25 A. Yes. HS Products is actually the company that manufactures

1 this firearm, it is a manufacturing facility in Croatia in  
2 Europe. This firearm is an import into the United States, but  
3 it is not actually made by Springfield Armory, it is made by a  
4 company called HS Products.

5 Q. How do you know this?

6 A. On the firearm it is marked "Made in Croatia, Springfield  
7 Armory USA." I know from my training and experience that the  
8 SD products that are made -- or marketed by Springfield Armory  
9 are made by HS Products in Croatia. I have done virtual tours  
10 of their facility.

11 Q. Do you have an opinion as to whether Government Exhibit 14,  
12 the Springfield Armory pistol, had traveled in interstate  
13 commerce prior to it coming to the United States and ultimately  
14 to Florida?

15 A. Yes, it did.

16 Q. So, did it travel in and affect interstate and foreign  
17 commerce?

18 A. Both, yes.

19 Q. Okay. Now that we have talked about nexus, I want to turn  
20 your attention to narcotics.

21 What would indicate that someone is a user of narcotics?

22 A. In the general sense, it would be most likely the  
23 paraphernalia that is associated with the person, their  
24 demeanor, but usually it would be the paraphernalia that is  
25 found with the person that would indicate they are a substance

1 user.

2 Q. Could you give us an example of some of that?

3 A. As far as paraphernalia? Yes. Typically, most hard  
4 narcotics that we encounter are smoked. They could be injected  
5 or snorted. So you typically find straws, glass pipes,  
6 anything from what you see as a water pipe, a bomb, anywhere  
7 down to a glass tube, a makeshift pipe that could be used for  
8 crack or heroin. There's bowls people use to smoke out of.  
9 Any one of those things are typically a good sign that someone  
10 is using narcotics.

11 Q. Now, the distributor of narcotics, what would indicate  
12 someone is a street-level distributor?

13 A. As far as paraphernalia?

14 Q. Yes.

15 A. They would typically be in possession of like scales to  
16 weigh the narcotics, some sort of packaging equipment.  
17 Typically a narcotics supplier on the street level would have a  
18 larger quantity of narcotics in a bulk packaging. They would  
19 then have to break that narcotics down to a smaller item to  
20 sell on the street. Most users at not going to be buying  
21 ounces of narcotics, they are buying a dime bag, which is a  
22 small \$10 bag, or a one gram bag of narcotics. They would have  
23 paraphernalia consistent with that, maybe a funnel, scales,  
24 beakers if they were cooking methamphetamine, things of that  
25 nature.

1 Q. Turning away from paraphernalia, what else would indicate  
2 someone is a street-level distributor?

3 A. A street-level distributor typically will have a large  
4 quantity of small bill currency, what are called dealer rolls.  
5 It would be like the change a drug dealer would have with him.  
6 Somebody may be paying with a \$20 bill for \$10 of narcotics and  
7 they have to have change for that person. You will typically  
8 find large quantities of small denominations, dollar bills,  
9 ten-dollar bills, five-dollar bills, 20-dollar bills. That  
10 would be the number one thing you'd most likely see.

11 Firearms as well. It's fairly common for a street-level  
12 supplier to be in possession of firearms and have those in  
13 direct proximity to the narcotics themselves.

14 Q. Would they have more than one firearm?

15 A. Yes, especially if they are working in a group.

16 Q. And you mentioned earlier user level. What would be the  
17 user level quantity of fentanyl, or a fentanyl analog, or  
18 something that is sold as fentanyl?

19 A. Fentanyl specifically, the DEA has produced a guideline for  
20 what a user quantity of fentanyl would be, it's .02 grams, a  
21 very small quantity of fentanyl relative to any other narcotic.

22 Q. How is this usually packaged?

23 A. It varies by the area. I can tell you from my experience  
24 in West Palm Beach, fentanyl or heroin is really  
25 interchangeable at this point. It is packaged in a clear

1 capsule, picture a pill, but it is a clear pill. That is  
2 fairly unique to the West Palm Beach area. Most other areas,  
3 at least in Florida, the fentanyl or heroin is going to be  
4 packaged inside of dime bags or small ziplock bags.

5 Q. In West Palm Beach, why would it be packaged inside clear  
6 capsules?

7 A. From my experience, the narcotic suppliers in West Palm  
8 Beach, Riviera Beach, greater Palm Beach County area, have  
9 access to a flea market. That flea market frequently will sell  
10 clear capsules for very cheap prices in large quantities. I  
11 think drug dealers have realized this, and say a consistent  
12 packed material they can use that is cheap and effective and  
13 safe for them, it is a clear package, but it's very thick  
14 plastic, and that will protect the person who is handling large  
15 quantities of fentanyl from being exposed to that fentanyl.

16 Q. Where do street-level distributors store narcotics?

17 A. It can vary, it depends on the situation that the narcotics  
18 supplier is in. If they are standing on the side of the  
19 street, which is common in this area, they most likely would be  
20 hiding narcotics in what we call a bomb, it's a larger quantity  
21 of narcotics that may be stored on a fence line, under trash,  
22 sitting on the tire of a car in the driveway in some sort of  
23 concealed position, or hide it on their person, under their  
24 genital area, inside a hidden pocket, anywhere where they think  
25 that a police officer would not want to look under.

1 Q. Would they -- if they had access to a residence, would they  
2 store it in a residence?

3 A. Yes, that is another common thing. If there is abandon  
4 houses, or houses that residents are allowing people to  
5 frequent or hang out outside, they typically ask the homeowner  
6 or go in and store the narcotics inside the house because law  
7 enforcement has a hard time going into the houses if the drug  
8 dealer is standing on the street selling narcotics. It's all  
9 about concealing narcotics from law enforcement.

10 Q. Are drug distributors vulnerable to stealing? You  
11 mentioned firearms previously.

12 A. Yes. Drug dealers know that other drug dealers can't call  
13 the police, so they know they can most likely successfully rob  
14 another drug dealer for their stash of narcotics. No police  
15 are going to be called on the victim's part, so drug dealers  
16 are going to protect themselves. That's where the firearms  
17 come in. They keep them in close proximity in case somebody  
18 decides that they want to try and steal the narcotics that  
19 person is in possession of. It's a very, very common thing.

20 Q. Given this vulnerability, what are some tools that drug  
21 dealers use to protect themselves?

22 A. It does vary, typically it will be firearms. I have seen  
23 everywhere from shotguns to AK-47 style rifles, AR-15 pistols,  
24 which is a smaller AR-15, very common. Pistols with large  
25 extended magazines like Exhibit 13 is very common, anything

1 that they can rapidly fire, like a firearm that was equipped  
2 with a Glock switch or a binary trigger where they can scull a  
3 round faster or win in a very short-term gun fight.

4 Q. Are firearms such as these, the Glock pistol and the  
5 Springfield Armory pistol, are they a tool for users of drugs?

6 A. Not in my experience. I know from my experience drug  
7 dealers will typically stray away from someone who is carrying  
8 a firearm because of the threat of being robbed. A smart drug  
9 dealer would not want to have clients purchasing narcotics from  
10 them and being armed.

11 It happens frequently where a drug dealer may either on  
12 purpose or accidentally short, give less narcotics than they  
13 were supposed to, and that would make them upset and would  
14 cause issues that the drug dealer would not want to be a part  
15 of. They don't want somebody that could potentially retaliate  
16 against them immediately if something were to go wrong.

17 Q. Given that firearms are tools that drug dealers use to  
18 protect themselves, where do drug dealers usually store their  
19 firearms and how do they store them?

20 A. Similar to the narcotics, if the dealer was on the side of  
21 the road or sitting out in public, they typically have the  
22 firearm on their person or on the person of somebody that is  
23 not a prohibited person or somebody that is not not allowed to  
24 have a firearm, so a lawful possession of a gun. They may hold  
25 the gun for a dealer who is on the street, they may hide it in

1 close proximity to them.

2 If they are operating out of a residence, they'd have the  
3 firearm in the house, concealed or in plain sight. At that  
4 point, it wouldn't necessarily matter.

5 Q. Are the firearms stored where they are readily accessible  
6 for use?

7 A. Yes. In my experience firearms will be either immediately  
8 accessible on a table or next to a doorway, next to their bed,  
9 on the bed, and in my experience it will always have a round in  
10 the chamber, full magazine ready to be fired. They are not  
11 going to take the time to load a magazine with ammunition if  
12 somebody is trying to rob them or if there is a beef or  
13 problems coming up. They are going to have a firearm that is  
14 ready to be used.

15 Q. Okay. I am now showing you what has been previously  
16 admitted into evidence as Government Exhibit 6.

17 Given your experience in your field, what does this picture  
18 say to you?

19

20 MS. DARSCH: Permission to publish.

21 THE COURT: You may publish.

22 BY MS. DARSCH:

23 Q. Given your experience in the field, what does this picture  
24 say to you?

25 A. I mean, what stands out to me in this photograph, you have



1 obvious paraphernalia, it is right in the middle of the table  
2 there. I believe it is a table. You have a scale next to the  
3 Canada Dry can on the left here. Like I described earlier, a  
4 scale would be used to distribute narcotics. That is what I  
5 typically carry on me when I am acting in a undercover capacity  
6 as a narcotics trafficker.

7 You have two firearms here. Like I said, those are  
8 firearms that you are going to keep close to you, you see the  
9 extended magazine there, especially if you are dealing in  
10 narcotics. There is money sitting right under the firearm.

11 Again, it's all items that are consistent with narcotics  
12 trafficking. There are various types of narcotics on the  
13 table. It looks like fentanyl or heroin capsules on the left  
14 side here. On the bottom right appears to be a bag with, I  
15 would say, marijuana. There appears to be two crack rocks on  
16 to the right, right in this area.

17 I am sure if you were to look at the table you would find  
18 other items. I noticed a razor blade here, which is something  
19 that is consistent with divvying up quantities of powder. It  
20 could be powder cocaine or heroin or fentanyl, for placing it,  
21 as I said earlier, in the clear plastic bags and capsules.  
22 There is a receipt there that is folded and could be used to  
23 funnel narcotics into capsules.

24 Q. You mentioned earlier this magazine right here with an  
25 extended magazine. Why would a distributor have an extended

1 magazine?

2 A. In my experience, narcotics traffickers don't go through a  
3 lot of firearm training. They don't really have the experience  
4 of conducting the firearm reloads like maybe law enforcement  
5 does. It is something that, if you are being shot at or in a  
6 stressful situation, something that is very hard to do. It is  
7 something people learn from experience, and instead of having  
8 to reload a firearm, have a longer magazine and just keep  
9 shooting.

10 Q. I am showing you now what has previously been admitted into  
11 evidence as Government Exhibit 7-D.

12 MS. DARSCH: Permission to publish to the jury.

13 THE COURT: You may.

14 BY MS. DARSCH:

15 Q. What are we looking at here?

16 A. It appears to be a plastic tub or bin, it looks like it has  
17 a clear plastic bag with the dime bags I mentioned earlier,  
18 small clear plastic bags used to break down larger quantities  
19 of narcotics. That is what it appears to be to me.

20 Q. These are the dime bags you described earlier?

21 A. Yes, the bags they would use to break down, as an example,  
22 an ounce of narcotic into smaller specific dealer quantities.

23 Q. Would a user have these small -- what do we call them --  
24 one x one bags?

25 A. Yes, one inch x one inch bags.

1 Q. Would a user have one inch by one inch clear bags?

2 A. They would have those bags, but not in this quantity. They  
3 may have two, three, four, five, some may have narcotics in  
4 them, some may be empty from what they previously used and did  
5 not throw the bag away. That is a very large quantity of bags,  
6 I wouldn't think a user would have that.

7 Q. Showing you what has previously been admitted as Government  
8 Exhibit 7-A. This is a closeup --

9 MS. DARSCH: Permission to publish to the jury.

10 THE COURT: You may.

11 BY MS. DARSCH:

12 Q. This is a closeup of the capsules you pointed out earlier  
13 on that table. Would a user have this amount of capsules next  
14 to firearms?

15 A. If this is fentanyl, that quantity of fentanyl would kill a  
16 user. It doesn't matter how frequently they use, that quantity  
17 would for sure kill a fentanyl user. That is not a user  
18 quantity of fentanyl, that's definitely distribution.

19 Q. What if it were a fentanyl analog or something that is  
20 being sold as fentanyl?

21 A. If it is a fentanyl analog that would be worse, that's a  
22 more potent version of fentanyl. If they were sold a sham  
23 narcotic, they would not purchase this amount with the  
24 intention of it being fentanyl.

25 Q. And now showing you what has been admitted as Government

1 Exhibit 11-A.

2 Before moving on to Government Exhibit 11-A, still on  
3 Government Exhibit 7-A, talking about users and distributors,  
4 would a user store a large quantity of narcotics such as this  
5 to use over time, for example, if he were to go to Costco?

6 A. Absolutely not, no. A user is going to buy what they are  
7 going to use. They are not going to plan ahead. I would say  
8 that drug users aren't typically the most responsible people.  
9 They are not going to buy large quantities of fentanyl to store  
10 in case they want it in the future.

11 They are going to buy it, and when they need it again they  
12 will find somebody to sell it. This would just pose a risk to  
13 the user. Aside from this being a fatal amount of fentanyl,  
14 assuming these are is standard size capsules, that quantity of  
15 fentanyl would lead to a long prison sentence. It wouldn't be  
16 beneficial to have that.

17 Q. I am now showing you what has been previously admitted as  
18 Government Exhibit 11-A.

19 MS. DARSCH: Permission to publish to the jury.

20 THE COURT: You may.

21 BY MS. DARSCH:

22 Q. Based on your experience, what are we looking at here?

23 A. This looks like a cloudy plastic bag and it appears to have  
24 Molly or MDMA tablets inside of it, the appearance of it up in  
25 the corner here.

1 Q. In your experience, is MDMA sold as another controlled  
2 substance?

3 A. Yes. I mean, so, drug users won't typically ask for MDMA,  
4 they will ask for Molly. Molly is a very common term. They  
5 may ask for beans, pills, candy. Those are all terms  
6 synonymous with MDMA. MDMA is one of those things that kind of  
7 has a blanket term for narcotics. You could have MDMA, bath  
8 salts or the scientific term would be butylone, flaka. It's a  
9 term that covers a wide range of narcotics.

10 Q. Would a user have this amount of this narcotic?

11 A. No. No. Absolutely not.

12 Q. I am now showing you what has been previously admitted as  
13 Government Exhibit 21-D.

14 MS. DARSCH: Permission to publish to the jury.

15 THE COURT: You may.

16 BY MS. DARSCH:

17 Q. What does this picture say to you?

18 A. Aside from the obvious that someone is in possession of a  
19 large quantity of currency, this particular thing of spreading  
20 the money out on their arm is a common trend with narcotics  
21 distributors. There are a variety of goals in mind. It could  
22 be posted to social media with the idea of flaunting their  
23 status in front of other drug users or drug dealers showing  
24 that they are profitable, or just to show to their friends look  
25 how much money I made doing whatever I am doing. That is what

1 stands out to me with the picture.

2 Q. This photo, is it all U.S. currency?

3 A. No. No. It looks like the top portion is United States  
4 currency and in the middle is from some other country.

5 Q. Okay. I now want to show you what has been previously  
6 admitted as Government Exhibit 22, which consist of messages.

7 Did you review these messages previously?

8 A. I did.

9 Q. From your review of the messages, are you able to tell the  
10 jury the blue chat messages and the green chat messages --  
11 could you tell based on your view who the blue chat messages  
12 are and who the green chat messages are?

13 A. Yes, I can.

14 Q. So, the blue chats?

15 A. The blue chats are from a variety of people, they are  
16 messages sent to the possessor of the green device.

17 Q. And then, the user in the green messages, who is the user?

18 A. Based off the green messages that I reviewed, and the  
19 information provided me by the analyst or the detective that  
20 did the --

21 MR. SCHUMACHER: Objection, leading. I am sorry,  
22 objection, hearsay, your Honor, saying what the analyst told  
23 him.

24 THE COURT: Sustained. I ask the jury to disregard  
25 the last comment by the witness, and ask counsel to rephrase

1 the question in a way that does not call for hearsay or remind  
2 the witness try to answer the question without calling upon  
3 what someone else has told you.

4 BY MS. DARSCH:

5 Q. Based on your review of the chat messages, just your review  
6 of the green chat messages, what was your opinion as to who  
7 wrote these chat messages?

8 A. The green messages that I reviewed I could say are from a  
9 person named Willie Boone, Will or Willie Boone, depending on  
10 how it is written.

11 Q. Why is that? What were some of the blue and green messages  
12 together in context with each other?

13 A. Many of the green messages, they are identifying themselves  
14 as Will, Willie, Little Will, and then the blue messages that  
15 are coming into the phone are frequently saying Mr. Boone.  
16 That is how I came to that conclusion.

17 Q. And although I will ask you about Government Exhibit 22,  
18 the chat messages, did you also review other extraction reports  
19 showing other information such as auto fill or email addresses?

20 A. I did. There are auto fill options in the device. There  
21 is also some bank information in there that is consistent with  
22 the person Will Boone being in possession of the device.

23 Q. Now I am going to show you Government Exhibit 22, and it is  
24 on the screen. Would it be easier for you also to have a hard  
25 copy of the report so you could do both?

1 A. If that is possible. It is kind of hard to read on the  
2 screen.

3 MS. DARSCH: Permission to approach, your Honor?

4 THE COURT: You may.

5 BY MS. DARSCH:

6 Q. All right. I want to first turn your attention to page  
7 seven, a chat involving wwe\_bangoutJ5 on page seven, on the  
8 beginning of the page. Could you read those chat messages for  
9 us and interpret some of the terms that I am not familiar with?

10 A. Absolutely. The first message on the top of the page is  
11 from wwe\_bangoutJ5 to the phone possessed by Mr. Boone.

12 It says, "I need a pole." This message was sent on  
13 2/18/2022, followed up with another message saying, "You got  
14 one for sale, or what's up?" Mr. Boone responds, "Not rn." Rn  
15 is slang for not right now, it's an abbreviated text message.

16 Do you want me to continue?

17 Q. It is blurry on my screen.

18 Okay. What is pole?

19 A. A pole is common street terminology for a long firearm, it  
20 could be a rifle, could be a shotgun. They are basically  
21 saying a firearm that's not a pistol. It could be a bolt  
22 action hunting rifle, could be an AR-15, could be an AK-47,  
23 could be a rocket launcher. It's just whatever their term is  
24 for that.

25 Q. So, someone is sending a message to Mr. Boone asking for a



1 pole, and then Mr. Boone is saying not rn, and you said rn is  
2 right now?

3 A. Yes. The message says you got one for sale, then what's  
4 up, and he says, not right now. The person is inquiring of Mr.  
5 Boone if he has a rifle for sale. That is what the messages  
6 are saying.

7 Q. On page eight, I want to turn your attention to the last  
8 blue message, and then ending at the first green message on  
9 page nine. So, page eight, the last blue message, what is  
10 this?

11 A. This is from the same sender, wwe\_bangout, on 2/22/22,  
12 Wtpi. It is an abbreviation for what the play is. It's a  
13 common abbreviation. It's responded to by Mr. Boone, "In the  
14 trap running them bands up."

15 Q. Could you tell us what the play is, what that means?

16 A. It's street terminology for what is going on, what's up.

17 Q. What is "in the trap running them bands up?"

18 A. Trap is a street terminology for a narcotics hole or  
19 narcotics stash. Running them bands up is making money. A  
20 band is a thousand dollars. This message is saying they are in  
21 the drug stash making money.

22 Q. And what is the date of that message?

23 A. That would be February 22, 2022.

24 Q. Give me a moment, I want to refer to my hard copy, too. It  
25 is easier to follow along.

1           Okay. Now I am going to turn to chat messages on page ten  
2 with big smakka keep.

3           A. Okay.

4           Q. I want you to start on page ten with the first message with  
5 big smakka keep. Could you read that message?

6           A. Yes. So the message from big smakka keep is on January  
7 two four two zero two two stating, "An leeme buy a switch."  
8 Mr. Boone responds, "Only got 2 right now," and then big smakka  
9 keep responds, "Damn I need hem."

10          Q. So, what does the word switch mean right now in this  
11 context of this message?

12          A. Switch is street terminology, or at one point used in  
13 common terminology for a Glock switch, what we call at ATF a  
14 Glock conversion device that you put on the rear of a Glock  
15 pistol to make it change from semiautomatic firing to fully  
16 automatic firing.

17          Q. In other words, it is a machinegun?

18          A. Yes, that's correct.

19          Q. Does it meet ATF's definition of a machinegun?

20          A. Yes. A firearm with a switch on it meets our definition,  
21 and just having the switch itself, say there was no firearm  
22 attached to the switch, that would still meet the definition to  
23 us as a machinegun.

24          Q. I apologize if you mentioned this earlier, but is the  
25 switch the technical term for it?

1 A. So, when they were beginning to be produced a couple years  
2 ago, the common term -- or the term that ATF used was a Glock  
3 switch. That is kind of where the terminology came from and it  
4 began being used on the streets.

5 Since then ATF has renamed the device a Glock conversion  
6 device, a more technical term, but that is now the official  
7 term for it and that has not been picked up by the street.

8 Q. At the time of this incident had ATF referred to them as  
9 Glock switches?

10 A. Yes.

11 Q. Based on your undercover experience that you mentioned  
12 earlier, have you had the opportunity to purchase Glock  
13 switches?

14 A. Many times.

15 Q. Is there a distinct terminology that you use when acting in  
16 an undercover capacity as it pertains to buying a machinegun or  
17 a Glock conversion device?

18 A. Yes. When I in my undercover capacity would purchase a  
19 Glock switch, I would describe it as a switch to the person I  
20 was attempting to purchase it from every time.

21 Q. Have you ever experienced anyone in your undercover  
22 capacity referring to a Glock conversion device in any way  
23 other than a switch?

24 A. I heard somebody call it a switchy one time. Switch or  
25 switchy, that is all I ever heard.

1 Q. I am now showing you what has been previously admitted into  
2 evidence as Government Exhibit 21-C.

3 MS. DARSCH: Permission to publish to the jury.

4 THE COURT: You may.

5 BY MS. DARSCH:

6 Q. I want to replay that video because I think it was playing  
7 before I published it. So, I do need to replay the video  
8 again, or I can pause it at certain points.

9 What are we looking at here in this video?

10 A. It looks to be the Defendant, Mr. Boone, possessing a  
11 firearm, he's waving at the camera, pointing a laser and a  
12 light at the camera. You can see as he places it down there  
13 appears to be a Glock switch on the rear of the firearm. He is  
14 also placing it next to another firearm that has what appears  
15 to be a Glock switch on it.

16 Q. I want to play that video again and pause it where he has  
17 the light in the camera.

18 A. Okay.

19 Q. So, why is only one area lighting up and the other area is  
20 not it looks like?

21 A. Yes. So, this particular attachment for this firearm, it's  
22 a very common attachment for a handgun or a pistol. It's a  
23 light laser combination. I personally own a few of. It's a  
24 device you put on the muzzle of the firearm, and you can either  
25 have a flashlight or a laser attachment, or both, but it gives

1 you the option of using two.

2 In this situation, there is just a green laser on the  
3 firearm.

4 Q. I am looking at something right here. What is this?

5 A. So, that would be -- as you can tell by the video as it  
6 progresses, that is going to be the selector switch associated  
7 with the Glock switch that is attached to the firearm. A Glock  
8 switch does not just function in one mode for the most part.

9 There are Glock switches that are only full auto, but the  
10 better quality ones, the one in this video, have a selector  
11 switch where you press the button, and it can move the blade  
12 part of the switch either into position or out of position,  
13 allowing the firearm to fire fully automatic or semiautomatic.  
14 That is what that button is that you are seeing.

15 Q. And this is the unique light and laser combo here?

16 A. Yes, it is.

17 Q. I want to clear this. I will pause the video at the end  
18 when this Glock switch is placed down on the table. I will  
19 pause it right here.

20 What are we looking at right here?

21 A. So, that would be the grip of the firearm with an extended  
22 magazine protruding from the bottom of the firearm.

23 Q. And what about right here?

24 A. That is the end plate that is used on the bottom of the  
25 magazine. For a variety of reasons you have to take apart the

1 magazine, whether the spring breaks or whatever the case might  
2 be. They are typically not higher quality accessories for  
3 firearms, they break frequently. That is an end plate that can  
4 be removed so you can pull the spring out and put a new one in  
5 and have a functioning magazine again.

6 Q. I will stop the video at the end where he places it down  
7 with the two firearms in it. Right there. Okay.

8 So one just gets put down. What are we looking at here?

9 A. So, that would be the rear of the firearm or the rear of  
10 the slide where the back plate would be. In this firearm, you  
11 can tell that the firearm was altered. Glock does not sell  
12 pistols in this fashion, so in this firearm the back plate was  
13 removed and what appears to be a Glock switch was installed.

14 Q. What about the second one right here?

15 A. The same thing, but from the other side the switch looks a  
16 little bit different. It's another Glock firearm with another  
17 machinegun on the back, the Glock switch.

18 Q. So there are two Glock switches in that video?

19 A. There appears to be, yes.

20 Q. Okay. When we looked at the video earlier and we noticed  
21 that start and light combo that you talked about, have you seen  
22 that on a Glock pistol before?

23 A. I have seen an accessory like that on a pistol, but that  
24 model I have never seen before, no. It is a fairly unique  
25 light/laser combination. I never had the opportunity to see

1 one before in my life.

2 Q. Okay. I am going to turn back to the chat messages where  
3 we left off. Okay. Turning away from the text message "Only  
4 got 2 right now," I want to turn to chat messages with an  
5 individual identified as Jeff Bud starting on page 19. If you  
6 could start at the top blue chat and read to the end of 20.

7 So, we'll scroll down to the end of 20 as you are reading.

8 A. Sure. The first message is from Jeff Bud on 2/26/22, to  
9 Mr. Boone saying, "Can I cash app you to bring some caps." Mr.  
10 Boone responds, "lght I'll come to you but you got to wait."  
11 Jeff Bud responds, "How long." Mr. Boone responds, "Like 20  
12 mins." Jeff Bud responds, "Okay."

13 On to the next page, Jeff Bud sends a series of messages  
14 one after another, "Send me cash app to send money to.  
15 Actually I have cash. Just text me when u out front. Gotta be  
16 quick." And Mr. Boone responds, "Lght bro just chill."

17 Q. What is caps referring to here?

18 A. Caps is short for capsules, street terminology for those  
19 clear capsules that will contain fentanyl or heroin.

20 Q. What -- I apologize.

21 A. That is how they are sold on the street.

22 Q. What does cash app mean here?

23 A. It's a program, basically a form of digital currency where  
24 people can exchange money between each other via phone or  
25 tablet, whatever they may have on their person, and the

1 relevance of this is that narcotics users and dealers now are  
2 realizing that when they are stopped by law enforcement, law  
3 enforcement will seize their money if they can prove they are  
4 selling dryings or buying drugs. So what they will do instead  
5 is not have any currency on them, and instead use these apps to  
6 move money between themselves where we, as law enforcement,  
7 can't see that without search warrants and diving deeper into  
8 the devices.

9 Q. I am going to go out of chronological order here, but  
10 sticking with Jeff Bud, turning back to page 16, the very first  
11 message on page 16, if you could read that, and then just stop  
12 at the first screen message on page 17. So, 16 to page 17.

13 A. The first message is from Jeff Bud on 2/4/22, "Wya," an  
14 abbreviation for where you at. Responded to by Mr. Boone,  
15 "Same place." Jeff Bud states, "I ain't got no way over  
16 there." Mr. Boone says, "I'll come to you text me the address.  
17 And how many you need?"

18 Next page, Jeff Bud states, "2. You got cash app or  
19 Venmo?" Mr. Boone responds, "Yeah."

20 Q. What are we looking at here when they are talking about two  
21 and cash app?

22 A. Yes, it is going to be the same as the previous  
23 conversation talking about the exchange of money through cash  
24 app, and the quantity and the numbers message here would be  
25 consistent with heroin or fentanyl, which is the typical amount



1 that a user would buy, one or two capsules.

2 Q. Okay. Now starting on page 19, if you could just read from  
3 the top of page 19 all the way to the end of page 20.

4 A. Yes. This is the conversation stated earlier. Jeff Bud,  
5 "Can I cash app you to bring some caps." Mr. Boone, "lght I'll  
6 come to you but you got to wait." Jeff Bud, "How long." Mr.  
7 Boone, "20 mins." Jeff Bud, "Okay." Jeff Bud then has  
8 multiple messages stating, "Send me cash app to send money to.  
9 Actually I have cash. Just text me when u out front. Gotta be  
10 quick." Mr. Boone responding, "lght bro, just chill."

11 Q. And then turning to page 21, could you please read from the  
12 first chat box? And I am going to ask you to read all the way  
13 to the end of page 24 because there are a lot of messages that  
14 need to be read in context. So, from page 21, the first chat  
15 message, to the end of page 24.

16 A. The first message from Jeff Bud on 2/26/2022, "Wya," again,  
17 where you at. Followed by, "Bro." Mr. Boone responds, "Yea.  
18 I'm coming. How much you need bro?" Jeff Bud responds, "4.  
19 Don't call I'm with my girl." Mr. Boone, "Lght." Jeff Bud  
20 responds, "How far away are you. Come on bro." Mr. Boone  
21 responds. "I'm on 52. Ima send you the cash apps." Jeff Bud  
22 says, "I can't get down there can you come to me." Mr. Boone  
23 responds, "I'm trying now." Jeff Bud says, "Okay. Are y'all  
24 outside? Cause imma try to pull up." Mr. Boone responds, "Yea  
25 I'm outside." Jeff Bud, "Okay I'm pulling up gotta be quick."

1 Q. What is going on here with responding to the number 4 and  
2 Willie Boone saying he is on 52? What is going on here?

3 A. This is a very typical conversation between a narcotics  
4 user and a narcotics dealer. Basically, they are trying to  
5 negotiate a location and a way of payment to facilitate the  
6 narcotics sale. So, they are talking about the location, where  
7 they are going to meet, which would be on 52, how are they  
8 going to pay with cash app, and the quantity of four for the  
9 amount of capsules that are going to be sold.

10 Q. I am turning away from Jeff Bud and going to chat messages  
11 with an individual that is identified in the phone as Chico  
12 Zoe, then parentheses, hard, close parentheses, and those start  
13 on page 30.

14 So, if you could read for me the first green box starting  
15 on page 30 to the end of page 30?

16 A. Certainly. The first message is from Mr. Boone stating,  
17 "This little will wya" where you at, on February 19, 2022. I'm  
18 in the car tryna pull up." And sent an address of 621 52  
19 Street, West Palm Beach, Florida, 33407, and Chico Zoe (Hard)  
20 responds, "Okay cool fami waiting on my girl to come get me in  
21 few."

22 Q. So, this individual is labeled Chico Zoe (Hard). What does  
23 hard mean?

24 A. Hard is a street term for crack cocaine. There are two  
25 types of cocaine, there's powder cocaine and crack cocaine, or

1 cocaine base. Cocaine base is a very hard rock-like substance,  
2 so the terminology on the street would hard. It's how they use  
3 code.

4 Q. Why is this "hard" next to the name in parentheses here?

5 A. Typically, narcotics dealers will have a large quantity of  
6 clients or customers that they sell to, and they may not always  
7 remember what that customer wants to buy. Frequently they will  
8 put their drug or item of choice in their title on the phone,  
9 so when that person is calling they know it is somebody looking  
10 for crack cocaine, or it could be caps for heroin, fentanyl.  
11 It could be fire for somebody with a gun. It's all a way of  
12 identifying that person and what they are the buyer of.

13 Q. You mentioned earlier that you were assigned to the West  
14 Palm Beach area as an ATF agent prior to being assigned to the  
15 high intensity drug trafficking area, and that you worked  
16 investigations involving undercover buys as an ATF agent in  
17 West Palm Beach.

18 Are you familiar with this address right here?

19 A. Yes, I am.

20 Q. How so?

21 A. So, when I was still in the West Palm Beach field office,  
22 we did conduct a lot of narcotics and firearms investigations.  
23 In particular, this address is an address that we have done  
24 numerous operations at to conduct undercover buys of narcotics  
25 and firearms in this case. We have done countless operations

1 at this address.

2 Q. Do you recall what the buildings look like at this address  
3 for the undercover buys?

4 A. I do actually. This building is on the north side of the  
5 road facing south, it has a driveway on the west side of the  
6 house last I recall. There used to be a gate across the  
7 driveway as well.

8 Q. You are familiar that there is a gate there?

9 A. Yes.

10 Q. Are there two buildings?

11 A. I believe there is one in the front and -- I have never  
12 been in the backyard, but I believe there is one in the  
13 backyard as well, or a garage or something.

14 Q. A small efficiency or small garage?

15 A. Essentially.

16 Q. Okay. Now staying on page -- I am sorry, going back to --  
17 go to page 32. We are still looking at the top, we are still  
18 on text messages involving Chico Zoe (Hard).

19 Can you read that first screen chat message?

20 A. Yes. This is a message sent by Mr. Boone on February 25,  
21 2022, to Chico Zoe (Hard), "Yoo you can bring me a vick.

22 Q. What is vick?

23 A. Vick is street terminology for a seven or 7 grams. Michael  
24 Vick is a famous football player, his number when he played  
25 football was number 7, so that is a term that will be used by

1 narcotics dealers to hide the quantity or what they are talking  
2 about, but it is a street term for 7 grams of narcotics.

3 Q. Okay. Staying on page 32, I just moved to a text involving  
4 Ruthyln.

5 Can you please read that message in blue?

6 A. Yes. On February 17, 2022, Mr. Boone receives a message  
7 from a person named Ruthyln stating, "Hi Mr. Boone, we got  
8 disconnected please call me back."

9 Q. What does the next green message say?

10 A. "Hey do you still need my grandmothers information," from  
11 Mr. Boone.

12 Q. Okay. Turning to page 34, again with Ruthyln, could you  
13 read just the top -- just the T-P line in the blue, the blue  
14 chat?

15 A. The first blue chat or the second one?

16 Q. No, the second one.

17 A. The first line says, "Good morning Mr Boone," in the second  
18 blue chat.

19 Q. Okay. And what day is this? Does this have a date on it,  
20 "Good morning Mr. Boone?"

21 A. Yes, that would be March 2, 2022, 3/2/2022.

22 Q. Okay. And then, now I want to turn your attention to a  
23 text identified as Jb, this is page 36.

24 Page 36, would you please read from the first green message  
25 all the way to the end of 36?

1 A. Yes. The first message sent on 2/11/22 from Mr. Boone's  
2 phone is saying, "Wasup this will jb hit me up. My bad bout  
3 last time fam butter ball had that bullshit. I got some good  
4 shit hit my phone."

5 Q. So, what is happening here between Mr. Boone and Jb?

6 A. Mr. Boone is identifying himself to this person Jb, letting  
7 him know that this is his phone number. He is apologizing for  
8 the actions of somebody else named butter ball, stating they  
9 had poor narcotics. He said, but I have some good narcotics,  
10 call me when you can.

11 Hit my phone is a street term for call me, call my phone,  
12 and they will use profanities in place of narcotics.

13 Q. Now I am turning to page 37. Would you please read these  
14 messages on page 37, all the way to the end of page 37?

15 A. Yes. So, on 2/13/2022 Mr. Boone begins by messaging Jb by  
16 saying, "Call me. Yoo I'm around hmu." That's an abbreviation  
17 for hit me up or call me. "Yoo F with me im out." Jb  
18 responds, "Will I have no money right now."

19 Q. Turning to page 38, I want you to read the first blue  
20 message all the way to the second green message.

21 A. The messaging begins by Jb on June 2/28/2022, "Who got  
22 molly." Mr. Boone responds, "I ran out."

23 Q. And then what follows?

24 A. "Yoo, you up?" sent by Mr. Boone, and responded to by Jb  
25 with, "You on 52."

1 Q. Okay. What is Molly here?

2 A. Molly would be street terminology for MDMA, bath salts,  
3 butylone. Any of those narcotics would be referred to as  
4 molly.

5 Q. When he says "I ran out," what is that, and then "you up?"

6 A. I ran out is basically Mr. Boone saying he doesn't have any  
7 Molly right now, sorry.

8 Q. Okay. I want to continue on page 38, if you could continue  
9 reading all the way through to the last green message on 41. I  
10 will ask you to read all the way from 38 to the last green  
11 message on page 41.

12 A. Okay. So the last message on page 38 was to Mr. Boone  
13 saying, "You on 52," followed up by Mr. Boone saying, "Yea.  
14 Whasup." Jb responds, "Can u do a \$3 hit for me. I gotta play  
15 so soon as I'm done I got u." Mr. Boone responds, "wya," where  
16 you at. Jb responds, "If you can for me bro I'm coming to 52  
17 from Manny. Come to gate." Mr. Boone responds, "Lght. Yoo.  
18 Let me know when to give you the address." Again the response,  
19 Yoo." And the final message from Mr. Boone is, "F with me I'm  
20 out."

21 Q. So, there is a lot going on here. Could you explain, "can  
22 u do a \$3 hit for me" on March 1, 2022? And that is on page  
23 39, and I am in the blue text.

24 A. Yes, so a hit is street terminology for a single usage or  
25 simply a usage amount of any type of narcotic. You are hitting

1 a drug when you are taking a hit, that is what the term means.  
2 He's identifying the amount of narcotics as \$3 worth for a hit.

3 Q. And what is the next message, "I got to play soon as I'm  
4 done I got you." What is play?

5 A. A play is a deal, it could be for firearm, narcotics. It's  
6 some sort of way of making money for that person. What is  
7 happening in this message is Jb is asking to be fronted the  
8 hit. He is asking to get the narcotics before he pays for it,  
9 and he is saying after he makes his play, I got u. I'll  
10 reimburse you. I'll give you the money for the narcotics you  
11 are giving me.

12 Q. On page 40, that first blue text message where it says, "If  
13 u can for me bro I'm coming to 52 from Manny," are you familiar  
14 with that area?

15 A. I am very familiar with that area.

16 Q. Could you explain to the jury what this area is they are  
17 talking about here?

18 A. Yes. 52 and Manning is also referred to 52 Street and  
19 Manning Avenue. In this area the roads run east to west and  
20 north to south. The north/south roads are Manning and  
21 Broadway, and then the numbered streets go from east to west,  
22 starting up, I think it's 56th area all the way down to single  
23 digits down by downtown West Palm Beach running east to west.

24 In this particular case, this would be the intersection of  
25 52nd Street and Manning Avenue.



1 Q. And what does this mean, "come to gate?"

2 A. It means come to the gate at that residence. This is  
3 terminology that we have used in the past when we purchased  
4 narcotics from the address we spoke about earlier. We would  
5 tell them we are down the street. You wouldn't show up at the  
6 house when you are purchasing narcotics. You would state you  
7 are in the area and then notify the dealer. The dealer would  
8 instruct you to then come to the area.

9 52nd and Manning is where we would sit when we did it, and  
10 the we would notify the dealer we were there and meet them at  
11 the gate of the residence that I described earlier along the  
12 driveway. At the time when I was doing deals they would be  
13 behind the gate.

14 Q. Okay. Now I am going to turn your attention to other text  
15 messages with this individual Kp New Number. Turning you to  
16 page 41, and I am showing Kp New Number, and then I am going to  
17 move to page 42. If you could -- page 42, turning to that  
18 first green chat, can you please read the message?

19 A. Yes. So you want me to start with the green message here?

20 Q. Please.

21 A. Yes, that is a message from Mr. Boone, and it is actually a  
22 written message with a photograph attached. This message  
23 states, "Yea got the beans to fam," with a picture of a baggie  
24 that appears to contain beans, street terminology for MDMA,  
25 Molly, butylone.

1 Q. And that picture, I don't know if you can zoom in on it.  
2 Is that a user amount of methylenedioxymethamphetamine, MDMA,  
3 or butylone?

4 A. No. That is supposed to be dozens of pills, that would  
5 definitely not be a user amount, that would be something they  
6 would have to sell out of. They would sell one or two at a  
7 time.

8 Q. Okay. Now I am going to turn you to Unc Butterball texts.  
9 I am turning you to page 42. What is the starting time and  
10 ending time of these text messages?

11 A. It would be January 25, 2022, and the time on the message  
12 says 8:09:44 p.m.

13 Q. I am going to have you read a lot of Unc Butterball texts.  
14 Page 42, I want you to read page 42 all the way through to  
15 the bottom of page 44.

16 A. Okay. So, Uncle Butterball, or Unc Butterball sends a  
17 message to Mr. Boone saying, "I need that nephew. This kg  
18 green ass N word. So you took dat." Mr. Boone responds, "I  
19 don't mind giving you the fie. Kg played tho." Unc Butterball  
20 responds, "Fa u wrong for that nephew." Mr. Boone responds,  
21 "No I'm not all that fie over there and a N word blowing my  
22 phone up. Then when I left you had fie on you so... what  
23 happened?"

24 Butterball responded, "That's not my for. You good jitt.  
25 So you just gone take my laundry detergent. Bring me my shit."

1 Q. What is going on here? We have Uncle Butterball sending  
2 messages talking about Kg and fie. I don't know what is going  
3 on. Can you please explain?

4 A. I can. Unc Butterball is confronting Mr. Boone about  
5 taking a firearm. "I don't mind giving you the fie." Fie is  
6 an abbreviation for fire, which is the code word that people on  
7 the street will use to talk about a gun.

8 He is blaming it on a person named Kg, they're going back  
9 and forth, and Mr. Boone is basically saying that although guns  
10 are over there and his phone is getting blown up, and when Mr.  
11 Boone left, Unc Butterball had a firearm on him, so what  
12 happened, why is he asking now for a firearm. Unc Butterball  
13 basically says you are good, don't worry about it.

14 Q. So, in this message -- I lost my spot -- page 43 when it  
15 says, "Ion mind giving you the fie," that is referring to the  
16 firearm?

17 A. Yes. He is saying he doesn't mind giving him the fie. Fie  
18 is firearm.

19 Q. Okay. Turning to page 46 to 47, could you start reading on  
20 the top of page 46 to the last blue chat on page 47?

21 A. I can. The first message on 46 is sent on February 21, or  
22 2/21/2022, from Unc Butterball to Mr. Boone saying, "I'm  
23 outside. Stay out my clothes. Yoo." Mr. Boone responds,  
24 "Wasup." Mr. Butterball says, "I need you look for something  
25 for me the molly I got a nice play. N I got you. You on 52.

1 Call me asap."

2 Mr. Boone responds, "Yea I already sold \$60 worth for you.  
3 And you flagging you left the molly out by the clothes in plain  
4 sight good thing I seen it." Unc Butterball responds, "OK bet  
5 see how much have left i stuck these crackers tow this. What's  
6 up nephew. Just tryna see if you light," fro Mr. Boone. Unc  
7 Butterball responds, "I'm good. Who all there."

8 Q. Okay. So, what does it mean when Uncle Butterball says, "I  
9 need you to look something for me the Molly I got a nice play?"

10 A. Unc Butterball is telling Mr. Boone that -- he is asking  
11 him to look for the Molly, or the MDMA pills, that he has a  
12 deal that he wants to set up and he needs him to find the pills  
13 for him.

14 Q. What does it mean page 47 when Mr. Boone says, "Yea, I  
15 already sold \$60 worth for you. And you flagging you left the  
16 Molly out by the clothes in plain sight good thing I seen it?"

17 A. That is Mr. Boone telling Unc Butterball that he has  
18 already sold \$60 worth of the Molly for him. He is flagging,  
19 basically saying you are drawing attention to yourself or us.  
20 Flagging is raising a flag, look at me. You left the Molly out  
21 by the clothes in plain sight, that's what he's complaining  
22 about. Good thing he saw it because he is now going to put it  
23 away and hide it.

24 Q. Okay. I am going to pick some more messages with Uncle  
25 Butterball. So, if you could please read the excerpt of

1 messages starting at the last blue message on page 49. There  
2 is the last blue message on page 49, and if you could just keep  
3 reading to the end of page 54, all involving Uncle Butterball  
4 texts with Mr. Boone?

5 A. The first message is from Unc Butterball on 2/26/2022, "You  
6 reup." Mr. Boone responds "Yea. I got bought kj whole  
7 bomb dub for dub just know and caps. Me and Jamal out here olo  
8 dolo holding it down. I just gave him the money to give to cuh  
9 to get him out the way. But everything straight over here  
10 nobody going in the house and I made Jamal clean up. I'm going  
11 home in the morning tho my babymoma mad. Uncle Butterball  
12 responds, "Who."

13 I need to go to the other packet.

14 Q. If you could keep reading all the way to the end of 54?

15 A. Sure. Mr. Boone says, "I been out for 2 days," then sends  
16 a blank message. Unc Butterball responds, "No get my 100  
17 back." Mr. Boone responds, "And the smoker Jamal that use to  
18 be with Heather." Unc Butterball responds, "I need that for  
19 real molly."

20 Mr. Boone responds, "I got yo 100 already to the side  
21 bihh," and sends a photograph, which is responded to by Unc  
22 Butterball saying, "Call me. How much you gave him I'm coming  
23 to get 100. Worth of dope I got the money thug. It's not for  
24 me. I got a bother play for the 30 on molly. You got two  
25 plays coming 80 play wtf nephew. Need to see everybody on 52

1 today 6:00 p.m. (mandatory meeting) from diamond. Make sure kg  
2 there to 6:00 p.m. mandatory.

3 "We have to stop serving out the front yard I'm putting a  
4 lock on that gate sorry guys. We need to stop serving out the  
5 yard them crackers watching I'm telling y'all. I seen it with  
6 my owns eyes. I'm telling you all detective riding thur. We  
7 have to find another way. This shit here not right. I'm  
8 locking the gate."

9 Q. Okay, that was pages 49 through 54.

10 What did it mean, the first message you read that said you  
11 reup?

12 A. Reup is a common term used on the street for getting  
13 resupplied. If you are getting a reup, you are getting  
14 resupplied with your narcotics for that day or that time period  
15 where you are going to be selling.

16 Q. Okay. Continuing on page 49, after you reup, Mr. Boone  
17 responds --

18 A. Yes.

19 Q. "Yea and I got bought kj whole bomb dub for dub just know  
20 and caps."

21 What is kg whole bomb dub for dub just know and caps?

22 A. This is Mr. Boone saying that he bought kj whole bomb, kj  
23 would be a person. He is saying that he bought kj's whole  
24 bomb, his whole narcotics stash. Dub for dub, dub is a common  
25 street term for \$20 woth of substance, typically crack cocaine.

1 So I bought kj's whole drug stash, piece for piece, just know  
2 and caps, so he bought all the crack and he also bought all  
3 the caps of, in this case, probably fentanyl or heroin.

4 Q. Okay. And then after -- on page 50, continuing on with  
5 these messages, where it says me, at the top message on page  
6 50, me and Jamal out here olo dolo holding it down, what does  
7 that mean, olo dolo holding it down?

8 A. That is Mr. Boone saying that Mr. Boone and a person named  
9 Jamal are out working or selling, and they olo dolo, it's just  
10 them, no one else. That's a street term for solo, us. Holding  
11 it down, they don't need anybody else, they are becoming  
12 profitable on their own.

13 Q. After that it says, "I just give him the money to give to  
14 cuh to get him out the way. But everything straight over here  
15 nobody going in the house and I made Jamal clean up. I'm going  
16 home in the morning, tho."

17 Who is he getting out of the way?

18 A. That would be referring to kj, I just gave him the money to  
19 give to cuh, he's giving the money to -- sorry -- to kg, sorry,  
20 or Jamal. Yeah. Gave the money to Jamal to give to kj to get  
21 him out of the way, so he's not involved in -- kj is not taking  
22 any of the profits, basically paying him off for his drugs.

23 Q. And then the messages follow with, starting on page 51, the  
24 first green chat, "I been out for two days no get my 100 back.  
25 I need that for real molly."

1           What is going on with getting 100 back and needing the real  
2 molly and being out for two days?

3           A. I have been out for two days is Mr. Boone saying he has  
4 been gone for two days, followed by Unc Butterball saying, no,  
5 get my 100 back, saying get my \$100 back from whoever it was.  
6 And then Unc Butterball saying he needs that \$100 for Molly.

7           Q. Okay. And on page 52, starting with the first green chat,  
8 he's got 100 already to the side, and then he sends a picture.  
9 I don't know if we can zoom in.

10           So after he writes I got your 100 to the side, and then he  
11 sends a picture, what does he mean he has 100 to the side and  
12 then he sends this picture?

13           A. That is Mr. Boone saying he already has the \$100 that Unc  
14 Butterball asked for and he's holding it aside, and then he  
15 sends a picture to reaffirm what he said, that he does have the  
16 \$100.

17           Q. Okay.

18           MS. DARSCH: One moment, your Honor. Your Honor, at  
19 this time is a good breaking point with this witness. If we  
20 could continue in the morning?

21           THE COURT: Sure, okay.

22           All right. Ladies and gentlemen, we are going to end  
23 early, as I mentioned, given it is Halloween, so I will excuse  
24 you at this point, and just with the reminder that you are to  
25 refrain from talking about the case with anyone, as I have



1 instructed you all along the way, not to do any research about  
2 anything relating to the case, avoid contact with anyone  
3 associated with the case.

4 I will let our witness know that we will need you to  
5 come back tomorrow. Halloween or not we would have needed you  
6 to come back because your testimony is longer than most. You  
7 are to remain under oath and you are not to discuss your  
8 testimony with anybody between now and tomorrow when you come  
9 back to take the stand.

10 We will have everybody come back in time to begin at  
11 9:00. If you can all try to be on time, we were about 20  
12 minutes behind this morning. If you are running into something  
13 unexpected, please call Melanie so we are aware of the fact  
14 that you will be late, but we hope you will do everything you  
15 can to be here on time so we can begin at nine o'clock.

16 The attorneys are making very good progress, so we are  
17 very much on schedule, but I'd like to keep it that way for  
18 everyone's benefit. Have a nice evening and we will see you  
19 tomorrow at nine o'clock.

20 (Thereupon, the jury left the courtroom.)

21 THE COURT: Okay, thanks, you may step down.

22 Maybe if we could have counsel come -- why don't we be  
23 here by -- and Mr. Boone and anybody at the Government's table  
24 at 8:45. One thing I would like you to think about in terms of  
25 addressing that issue of the verdict form asking the jurors to

1 make a finding about the three separate occasions and the jury  
2 instruction that the Defense is objecting to, you have the  
3 stipulation of fact, which is Government Exhibit 32. I wonder  
4 what you think about including the stipulation of fact, or some  
5 version of it, as the jury instruction since it is already in  
6 evidence in any event, and have that as part of the  
7 instructions. So there is an instruction that would inform the  
8 jurors about how to answer the second part of question four on  
9 the verdict form.

10 So, if you'd give that some thought, and in any event,  
11 be prepared to address the issue so we can finalize the jury  
12 packet so we can be making copies as we are proceeding  
13 tomorrow.

14 How much longer do you have with Finnamore?

15 MS. DARSCH: About an hour.

16 THE COURT: Any sense on cross about how long you  
17 would need?

18 MR. SCHUMACHER: I would say a half hour maybe.

19 THE COURT: And then you still have Ciravolo and  
20 Fischer?

21 MRS. CHASE: And Wright.

22 THE COURT: Ciravolo you thought was going to be 30  
23 minutes, and Fischer you thought was going to be short, and  
24 Wright you thought was going to be short.

25 MS. DARSCH: Yes.

1 THE COURT: I would say we should plan on -- we  
2 probably want to order lunch for the jurors tomorrow, although  
3 we didn't tell them.

4 You would finish in the morning and we would go into  
5 closing and instructions and deliberation tomorrow. Does that  
6 sound feasible?

7 MRS. CHASE: That is very likely, your Honor.

8 THE COURT: I say that so you can prepare for your  
9 closing and how we orchestrate it with lunch. We will work  
10 that out tomorrow morning. Have a nice evening celebrating.  
11 We will see everybody back tomorrow.

12 MRS. CHASE: Thank you, your Honor.

13 (Thereupon, the Court was recessed.)

14 \* \* \*

15 I certify that the foregoing is a correct transcript  
16 from the record of proceedings in the above matter.

17  
18 Date: November 12, 2023

19 /s/ Pauline A. Stipes, Official Federal Reporter

20 Signature of Court Reporter  
21  
22  
23  
24  
25

Pauline A. Stipes, Official Federal Reporter

<p><b>MR. SCHUMACHER: [76]</b> 4/18  5/7 6/15 9/25 15/2 16/25  18/15 20/21 23/16 23/25  24/20 24/22 25/8 31/3 35/8  35/11 37/25 39/7 43/12 56/5  57/1 62/12 70/12 72/25 74/23  76/13 80/3 81/14 82/16 84/7  91/4 94/18 98/1 98/3 102/1  102/16 103/16 103/23 104/4  104/8 104/12 104/16 104/22  106/11 106/19 106/22 107/1  107/5 107/9 107/13 107/18  108/10 110/7 111/8 112/5  114/6 115/4 115/14 123/5  129/14 134/8 136/6 136/16  139/17 150/17 150/20 155/19  168/2 169/6 169/14 170/14  181/16 186/17 190/24 206/20  234/17</p> <p><b>MRS. 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DARSCH: [66]</b> 4/17 7/3  7/9 9/6 9/23 10/3 14/8 14/22  14/24 16/16 16/20 23/20  24/24 39/12 43/9 43/15 43/23  55/17 56/3 56/7 57/9 57/15  61/21 62/10 62/14 63/2 69/6  70/1 70/10 70/19 72/23 73/4  74/21 74/24 75/4 75/13 76/11  76/15 76/22 79/16 80/1 80/5  81/12 81/18 82/14 82/21 84/5  84/9 84/24 91/2 102/18  170/12 181/19 186/14 190/21  191/8 200/18 202/11 203/8  204/18 205/13 208/2 212/2  232/17 234/14 234/24</p> <p><b>THE COURT: [174]</b> 3/11 4/15  4/23 5/8 6/11 6/13 6/17 6/25  7/10 9/7 10/1 10/5 14/9  14/23 15/1 15/3 16/18 16/22  16/24 17/1 18/17 20/23 23/19  23/23 24/1 24/21 24/23 24/25  25/7 25/9 26/21 30/15 31/4  31/7 34/20 35/10 35/12 35/15  37/22 37/24 39/8 39/10 39/14  43/13 43/24 55/18 56/6 56/25  57/4 57/11 61/22 62/13 62/22  63/4 67/12 69/7 69/20 69/22  69/24 70/13 70/21 73/1 73/5  75/2 75/7 75/12 75/14 76/14  76/19 76/23 79/15 79/17 80/4</p>	<p>80/6 81/12 81/19 82/17 82/22  84/8 84/20 84/25 91/3 91/6  94/19 98/2 102/2 102/17  102/19 103/8 103/13 103/17  103/24 104/1 104/5 104/9  104/14 104/17 104/25 105/4  106/8 106/12 106/20 106/23  107/2 107/6 107/10 107/14  107/19 108/15 109/11 109/13  110/15 111/9 112/7 113/21  114/14 114/17 114/21 115/5  115/16 115/23 116/2 116/5  116/7 123/6 129/17 134/7  134/9 136/9 136/21 136/25  139/16 139/25 140/5 150/19  150/21 150/24 151/3 153/16  155/16 155/18 168/3 169/7  169/16 169/19 170/3 170/5  170/7 170/15 170/19 170/22  171/7 181/13 181/15 181/17  181/21 186/18 190/25 191/9  200/20 202/12 203/9 204/19  205/14 206/23 208/3 212/3  232/20 233/20 234/15 234/18  234/21 234/25 235/7</p> <p><b>THE COURTROOM DEPUTY: [6]</b>  26/24 39/16 39/19 116/10  171/2 181/23</p> <p><b>THE WITNESS: [10]</b> 27/3  39/18 67/14 94/20 116/13  134/5 134/10 169/17 171/5  182/1</p> <p><b>\$</b></p> <p><b>\$10 [2]</b> 195/22 196/6  <b>\$100 [4]</b> 232/5 232/6 232/13  232/16  <b>\$20 [2]</b> 196/6 230/25  <b>\$20,000 [1]</b> 42/18  <b>\$3 [3]</b> 223/14 223/22 224/2  <b>\$438.38 [1]</b> 61/11  <b>\$5,000 [1]</b> 42/17  <b>\$60 [3]</b> 228/2 228/15 228/18  <b>\$995 [1]</b> 14/13</p> <p><b>'</b></p> <p><b>'19 [1]</b> 43/4  <b>'21 [1]</b> 43/4  <b>'22 [1]</b> 43/4</p> <p><b>.</b></p> <p><b>.02 [1]</b> 196/20  <b>.02 grams [1]</b> 196/20  <b>.kleep [1]</b> 86/9</p> <p><b>/</b></p> <p><b>/s [1]</b> 235/19</p> <p><b>0</b></p> <p><b>02 [1]</b> 64/17  <b>02/20/22 [1]</b> 61/10  <b>028 [1]</b> 191/21  <b>0477 [1]</b> 1/21  <b>05 [1]</b> 78/7</p> <p><b>1</b></p> <p><b>1, as [1]</b> 88/11  <b>10 [19]</b> 3/3 3/3 12/4 63/13</p>	<p>65/10 66/23 67/3 67/4 67/7  70/9 70/24 71/1 96/7 96/8  96/24 96/24 98/4 98/6 98/8</p> <p><b>10-A [1]</b> 12/25  <b>100 [9]</b> 229/16 229/20 229/23  231/24 232/1 232/5 232/8  232/10 232/11</p> <p><b>1027 [1]</b> 1/18  <b>104 [1]</b> 108/19  <b>1063 [1]</b> 111/16  <b>10708 [3]</b> 151/12 151/16  175/13</p> <p><b>10:20 [1]</b> 22/4  <b>10:57 [1]</b> 65/1  <b>11 [7]</b> 73/19 73/22 74/19  74/20 75/17 76/16 96/1</p> <p><b>11-A [3]</b> 204/1 204/2 204/18  <b>116 [1]</b> 2/12  <b>11:00 [1]</b> 69/11  <b>11:10:46 [1]</b> 82/4  <b>11:34:05 [1]</b> 78/6  <b>11:45 [1]</b> 59/9  <b>12 [9]</b> 75/24 76/9 76/11 77/2  93/24 95/11 95/12 109/23  235/18</p> <p><b>12/23/21 [1]</b> 59/9  <b>1246 [1]</b> 108/21  <b>13 [4]</b> 191/13 191/14 191/18  198/25  <b>14 [8]</b> 82/7 95/10 102/15  139/7 191/13 191/15 193/12  194/11</p> <p><b>140 [1]</b> 3/11  <b>142 [1]</b> 111/15  <b>1423 [1]</b> 91/22  <b>15 [8]</b> 21/3 69/10 69/19  79/15 113/5 198/23 198/24  208/22</p> <p><b>15-second [1]</b> 79/14  <b>151 [1]</b> 3/11  <b>155 [1]</b> 2/13  <b>15th [3]</b> 25/25 26/6 26/13  <b>16 [8]</b> 3/4 21/3 90/14 154/13  154/15 216/10 216/11 216/12</p> <p><b>1656 [1]</b> 141/22  <b>168 [1]</b> 2/14  <b>17 [14]</b> 2/4 3/5 30/19 31/3  31/6 31/11 32/18 36/14 38/18  191/19 192/2 216/12 216/12  221/6</p> <p><b>171 [1]</b> 2/16  <b>18 [17]</b> 3/5 34/24 35/8 35/13  35/14 35/21 36/4 38/4 62/19  87/19 93/1 107/21 111/4  112/18 183/4 192/9 193/19</p> <p><b>1800 [1]</b> 51/16  <b>182 [1]</b> 2/18  <b>185,386 [1]</b> 67/5  <b>185386 [1]</b> 66/23  <b>19 [16]</b> 3/3 9/11 9/12 9/25  10/2 10/3 44/3 44/4 47/3  54/9 81/1 192/5 215/5 217/2  217/3 218/17</p> <p><b>1988 [1]</b> 112/14  <b>1991 [1]</b> 133/25  <b>1:00 [1]</b> 103/5  <b>1:08:45 [1]</b> 81/1  <b>1E28 [1]</b> 149/9</p>
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